



International
Labour
Organization

PROSPECTS

► REVIEW OF NATIONAL
POLICY FRAMEWORKS
AND PRACTICE



► **Review of national policy,
legislative and regulatory
frameworks, and practice
in Iraq**

A baseline study on the right to work and
rights at work for refugees and other forcibly
displaced persons



Kingdom of the Netherlands

▶ **Review of national policy, legislative and regulatory frameworks, and practice in Iraq**

A baseline study on the right to work and rights at work for refugees and other forcibly displaced persons

Copyright © International Labour Organization 2022
First published 2022

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Licensing), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: rights@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with a reproduction rights organization may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

ISBN: 9789220375433 (print)

9789220375440 (web pdf)

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

Information on ILO publications and digital products can be found at: www.ilo.org/publns

Cover photo: An internally displaced young refugee receiving loan offer from the Iraqi Middle East Investment Bank.

© ILO

► Foreword

Iraq has a long history of displacement fed by situations of cross boarding and internal conflict uprooting millions. Almost 1.2 million Iraqis continue to live in protracted situations of internal displacement across Iraq, while the country hosts an estimated 300,000 refugees mainly from Syria, Turkey, Iran and Palestine. Only about one-third of Syrian refugees live in camps and the majority live in urban areas in the Kurdistan Region of Iraq. Likewise, the vast majority of IDPs reside in informal settings outside camps. Should the IDPs and refugees decide to remain in KRI due to various reasons that could hamper their return, the hosting communities will require significant support to enhance the communities' capacity to provide services, infrastructure, and absorb this additional population. A favourable environment should be created to enable durable solutions across affected populations.

Against this background, the PROSPECTS Partnership which includes the ILO, the United Nations International Children's Emergency Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR), the International Finance Corporation (IFC) and the World Bank, supports the national agenda of promoting inclusion and socio-economic development, whilst working closely with local authorities and communities to identify, maximize, and realize opportunities on the ground in Iraq. The partnership aims to empower forcibly displaced and host community members to meet their needs; it seeks to invest in the local economy; promote non-discrimination, and prepare young people - displaced and host community- for their futures; creating inclusive policies and strengthen service delivery systems.

Under the PROSPECTS Partnership, ILO's efforts focus on supporting thousands of forcibly displaced persons and host community members to access more and better livelihoods and decent job opportunities. It is doing so through an integrated approach which includes implementing labour intensive infrastructure projects; equipping youth with market-relevant skills and facilitating their transition to the labour market; promoting financial inclusion and entrepreneurship, in addition to improving public employment services.

This report "Review of national policy, legislative and regulatory frameworks, and practice in Iraq: A baseline study on the right to work and rights at work for refugees," is undertaken as part of a global exercise in conjunction with similar reviews drawn up in Jordan, Lebanon, Sudan, Egypt, Kenya, Uganda and Ethiopia under the PROSPECTS Partnership. It aims to provide an understanding of the current policy, legislative and regulatory frameworks and practice in relation to the access of refugees and IDPs to the labour markets, employment, livelihood and training opportunities, including self-employment and business development, the rights at work, including social protection and freedom of association. This provides PROSPECTS a clear understanding of the current status of these frameworks and how they are being applied or not. The analytical framework for this assessment was jointly developed by IMPACT Initiatives and ILO PROSPECTS through the contributions of a number of key technical specialists from various ILO technical departments.

The report reviewed national legislature, policy documents, datasets and grey literature to establish the legal basis for refugees' and IDPs' access to work and their rights at work. Findings from the literature review were verified and triangulated with field work to establish how the laws are understood and implemented in practice. Key informant interviews were conducted with authorities in federal Iraq and KRI, while semistructured interviews and focus group discussions with IDPs and refugees were conducted in Dohuk, Ninewa and Erbil.

I would like to thank the Kingdom of the Netherlands for their generous support to this assessment and the production of this report, undertaken in the context of the PROSPECTS Partnership. I would particularly like to thank SREO Consulting for their excellent work in conducting the assessment, ILO PROSPECTS colleagues in HQ, Regional Office for Arab States and Iraq for their technical backstopping of this exercise, and the UNHCR colleagues for their review, valuable inputs and continuous collaboration with the ILO. We hope that this report would inform policy dialogue on the access to refugees to the labour markets and its recommendations would feed into the design of integrated interventions that promote decent work for refugees, IDPs and host communities in Iraq.



Maha Kattaa

ILO Country Coordinator for Iraq

► Contents

Foreword	iii
Tables	iv
Abbreviations	v
Definition of key terms	vi
Acknowledgements	vii
Executive summary	viii
Chapter 1: Overview	1
1.1 Context and objectives	1
1.2 Methodology	2
1.3 Limitations	3
Chapter 2: Main findings	4
2.1 Socio-economic context	4
2.2 Legislation, policies and regulatory frameworks	8
2.3 Gaps in legislation, policies and regulatory frameworks	26
2.4 Practice of legislation, policies and regulatory frameworks	30
2.5 Conclusions	42
2.6 Recommendations	46
Chapter 3: Annexes	49
Annex 1: Assessment template and research questions	49
Annex 2: Research participants	56
Annex 3: Data collection tools	59

► Tables

Table 1. Current scope and coverage of social protection in Iraq	24
--	----

► Definition of key terms

Internally displaced person

Law 21 of 2009 defines an internally displaced person (IDP) as: *“displaced Iraqis who were coerced or forced to flee their homes or left their usual place of residence inside Iraq to avoid the effects of armed conflict, circumstances of generalized violence, human rights violations, natural or man-made disasters, the arbitrary use of power by the authorities or due to development projects.”* Since Iraq has experienced waves of displacement over the past 20 years, the UN typically uses a time-bound definition when calculating planning figures (and these figures are also used by the Government of Iraq and the Kurdistan Regional Government (KRG). This definition is drawn from IOM’s Displacement Tracking Mechanism, which provides population figures for UN planning, and considers an IDP to be an Iraqi who has been displaced since 1 January 2014 and has not returned to their location of origin. More than 1 million Iraqis remain internally displaced as of 2022. Between October 2020 and mid-January 2021, 14 formal IDP camps closed or were reclassified into informal sites by the Government of Iraq. Of the 29 camps still open at the time of writing, 25 are in areas administered by the KRG and shelter approximately 180,000 IDPs, while four camps remain open in federal Iraq, hosting close to 12,000 IDPs.

Refugees

According to the 1951 Refugee Convention, a refugee is a person who is outside his or her country of nationality or habitual residence, has a well-founded fear of persecution because of his or her race, religion, nationality, membership in a particular social group or political opinion, and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution. However, the 1971 Political Refugee Law that governs refugee recognition in Iraq defines refugees very narrowly as every person seeking asylum in Iraq for political or military reasons, thus excluding many categories of refugees recognized by the 1951 Convention. In addition, a separate arrangement exists in the Kurdistan Region of Iraq (KR-I), according to which a broader category of asylum is accepted. Throughout this report, the term “refugee” is used to refer to people recognized under both jurisdictions: the federal 1971 Political Refugee Law and the KR-I residency regulations, although the legal rights and treatment afforded to each is very different. There are currently 303,008 asylum seekers and refugees in Iraq according to UNHCR figures.

Returnee

Law 21 of 2009 defines a returnee as: *“an Iraqi returning home from abroad or internal displacement to reside in their former homes, their hometowns, or usual place of residence in Iraq or any other place chosen to reside in within Iraq after being subjected to forced displacement.”* Similar to the definition of an IDP, the UN typically uses a time-bound definition when calculating planning figures (and these figures are also used by the Government of Iraq and the KRG). This definition is drawn from IOM’s Displacement Tracking Mechanism, which provides population figures for UN planning, and defines a returnee as an Iraqi who was internally displaced after 1 January 2014, who has since returned to their location of origin. Of the 6 million people displaced within Iraq since 1 January 2014, 4.7 million have returned to their areas of origin.

► Acknowledgements

This review was conducted on behalf of ILO by Jacqueline Parry, Matt Kinsella and Claire Weil from SREO Consulting between August 2021 and June 2022 with support from SREO's data collection teams in Iraq and support staff. Inputs and comments to this report were provided by the ILO PROSPECTS team and technical specialists, Fadia Jradi, Fatma Kaya-Ergani, Kishore Kumar Singh, Meredith Byrne, Nicholas Grisewood, Shaza Al Jondi and Yasser Ali. The report also benefited from inputs by Diana Ihring and Sarah Vassallo from IMPACT Initiatives, and Aneeta Ghotge, Gavin Lim, Nicole Chantale Teta Nokam, Samaneh Hassanli, Silvia Terren, Shaun Butta and Teresa Talo from UNHCR Iraq.

► Abbreviations

FGD	Focus group discussion	RPL	Recognition of Prior Learning
IDP	Internally displaced person	RSD	Refugee Status Determination
ILO	International Labour Organization	SREO	SREO Consulting Ltd
ISIL	Islamic State of Iraq and the Levant	SSI	Semi-structured interview
KII	Key informant interview	SSN	Social Safety Net
KRG	Kurdistan Regional Government	TVET	Technical, vocational education, and training
KR-I	Kurdistan Region of Iraq	TVQF	Technical and vocational qualifications framework
MoA	Ministry of Agriculture	UNDP	United Nations Development Programme
MoE	Ministry of Education	UNESCO	United Nations Educational, Scientific and Cultural Organization
MoMD	Ministry of Migration and Displacement	UNHCR	United Nations High Commissioner for Refugees
MoLSA	Ministry of Labour and Social Affairs	UQP	UNESCO Qualifications Passport
NGO	Non-governmental organization	VTC	Vocational Training Centre
PC-MoI	Permanent Committee for Refugees Affairs of the Ministry of Interior		
PMAC	Prime Minister's Advisory Council		

► Executive summary

The International Labour Organization (ILO) has commissioned a baseline study for Iraq to review relevant policy, legislative and regulatory frameworks and existing practices related to the access of refugees and internally displaced persons (IDPs) to labour markets, employment, livelihoods and training opportunities including self-employment and business development. This research forms part of a series of similar studies conducted in different countries in the Middle East and the Horn of Africa, coordinated by ILO under the PROSPECTS Partnership.

The broad scope of the proposed research study focuses on providing a thorough assessment of the extent to which displacement-affected communities have access to the labour market at the institutional level in Iraq, a comparison of national policies and legislation against existing practices, and an understanding of gaps between policy and practice as well as the capacities and abilities of relevant actors – government, institutions, partners, and non-governmental organizations (NGOs) – to intervene effectively.

The findings contained in this report portray the baseline situation of the labour policies, laws, regulations, and practices in place in Iraq as it pertains to forcibly displaced populations. This includes four elements: 1) access to the labour market; 2) access to training; 3) rights at work; and 4) naturalization.

The study used a selective purposive sampling process to identify participants who could provide detailed information and knowledge on existing legislation, frameworks and policies, as well as insight into gaps in terms of their existence and application. Data collection lasted from November 2021 to March 2022. Most data were collected in person, with some interviews being conducted remotely via videoconferencing where this was necessary (according to the respondent's location or availability, for instance). SREO conducted 43 key informant interviews (KIIs) with stakeholders in government, private sector, humanitarian and UN agencies, including within ILO itself, 28 semi-structured interviews (SSIs) with IDPs and refugees in Dohuk, Ninewa and Erbil, and 6 focus group discussions (FGDs) with employed and unemployed refugees and IDPs in Ninewa and Dohuk.

Key findings and conclusions included the following.

- The absence of a comprehensive legal framework pertaining to the status of refugees presents a fundamental barrier to refugees accessing the labour market.
- The right to work is determined by location and which legal framework refugees are recognized under.
- Formal work opportunities are rare, and most refugees work in the informal sector and with unregistered businesses.
- Incentives to register businesses are low among refugees and the Iraqi population generally. As a result, most refugees prefer to operate their businesses informally, without registration. This reflects a broader trend of informality in Iraq's economy: an estimated 95 per cent of all businesses operate unregistered.
- Obstacles in accessing finance and capital are a significant barrier to business ownership, as is the inability to open a bank account. Although there is no legal restriction on refugees opening an account, banks consistently refuse to permit them. In the KR-I, banks claim that the cards provided to asylum seekers and refugees (commonly known as the asylum seeker/refugee residency) is not a sufficient form of ID for the purpose of opening bank accounts. Also, most refugees cannot benefit from the loans provided by humanitarian agencies that implement their own small loan programmes targeting refugees due to limited funding available. As a result, there are very few options available to access finance and capital. Mobile money is available to refugees in Iraq, thanks to a special provision from the Central Bank of Iraq that permits refugees to have SIM cards to allow them to open temporary wallets and receive cash transfers.
- Refugees are theoretically able to access some government employment services, but in practice these are severely under-funded. In general, such services are lacking and under-developed across Iraq.

- ▶ Land ownership is not possible for refugees. The 1971 Political Refugee Law states that recognized refugees may rent and/or use agricultural land in Iraq; however, it will not be registered in their names until they are naturalized as citizens.
- ▶ A national strategy on TVET exists, but the legislative framework is insufficient, and refugees are not explicitly recognized as a target group within the strategy. Iraq has concluded a TVET Strategy (2014–2023) covering both Iraq and the KR-I, and drafted a complementary law for a new TVET governance model. In 2021, the Council of Ministers approved one part (only) of the draft law: the Iraqi Technical-Vocational Qualifications Framework, which should help mitigate barriers for refugees to access tertiary education. However, in practice there is no quality assurance body that oversees the TVET registration process on the National Qualification Framework, as well as licensing, accreditation, skill testing and certification.
- ▶ Refugees have access to education at basic, secondary and tertiary levels. TVET opportunities are available to refugees but are heavily constrained by funding. Obstacles to refugees accessing vocational and technical training relate more to lack of funding than to legal exclusions. Lack of documentation can also be a barrier to education for refugees in Iraq. For example, the requirement for refugees to provide certificates of education from their home countries in order to access TVET and tertiary education is an obstacle for those who have lost their certificates during displacement. The level of engagement of refugees and IDPs typically relies on the extent of support from international organizations.
- ▶ Recognition of prior learning and qualifications is a key barrier to education, professional development and access to the labour market. Refugees are treated as foreigners when applying for equivalency certificates related to their schooling or university education. This can constitute a barrier for refugees who do not have copies of their academic history or school records. A recent UNESCO pilot of a qualifications passport appears to be an important and promising method of recognizing the secondary school qualifications of refugees who don't have access to their original documentation.
- ▶ Legally enforceable rights at work are generally not applicable to most refugees who work in the informal sector. Protection in the labour market, and access to justice and legal services, are only available to refugees who are recognized under the 1971 Political Refugee Law in federally administered Iraq and KR-I, as well as asylum seekers and refugees with an asylum seeker/refugee residency in the KR-I. Refugees who fall into these categories receive the same protections as Iraqi citizens or other workers under the 2015 Labour Law and the 1987 Labour Law (applicable in the KR-I). Laws on labour rights, social protection and the right to association are geared toward workers in the formal labour market. None of these laws mention refugees and are often ill-equipped to regulate the reality of working conditions faced by refugees.
- ▶ While refugees who are engaged in formal, paid employment have the right to join a trade union according to the 2015 Labour Law, the law that governs trade unions does not recognize the ability of foreign workers to establish or join a union, and in practice there are no identified instances of refugees joining a trade union. As such, it appears that the law pertaining to trade unions is undermining the refugees' right to unionize. Moreover, trade unions are severely restricted in general in Iraq, and Iraq's trade union law significantly restricts and limits the formation of independent and representative unions, and often unions face interference in their activities.
- ▶ Restrictions on freedom of movement are a substantial barrier to labour market access. Refugees in federally administered Iraq who are recognized under the 1971 Political Refugee Law can use their registration card issued by PC-MoI to move within the governorates of federal Iraq. While asylum seekers and refugees who hold an asylum seeker and refugee residency issued by the KRG may move within the KR-I, they cannot enter federally administered Iraq without prior authorization. Those entering non-KRI areas without prior authorization are at risk of arrest and detention.
- ▶ Assessing social security support to refugees was a theoretical exercise, as no one interviewed for this report was employed formally, and key informants were unaware of refugees in formal employment who had accessed social security support. Across Iraq, social protection for workers who are not civil servants is extremely limited. Refugees work predominantly in the informal sector or informally within formal businesses, making it hard to establish decent work. Other studies have found that none of the employed persons in the target locations meets the ILO decent work conditions. Legal clarity regarding the right of refugees with work permits to access social security benefits is unclear while social security provision for Iraqi citizens is already insufficiently accessible or rolled out.

- ▶ IDPs are Iraqis by law and possess equal rights to other citizens. However, the decentralized powers available to regions (namely, the KRG) and, to a lesser extent, provinces, means that in practice the KRG and provinces sometimes utilize their decentralized powers to differentiate certain IDPs from other citizens, and restrict their freedom of movement.
- ▶ Although IDPs have equal access to the labour market as other non-displaced citizens, they often face additional barriers such as lack of civil documentation and exploitation by employers who assume that their vulnerability will make them willing to work for less money and in poor conditions. As a result, IDPs are commonly employed in the informal economy with few protections.
- ▶ Naturalization in Iraq is very complex and largely unattainable for refugees. It is covered by Article 6 of the Iraqi Nationality Law (2006) and falls solely under the jurisdiction of the federal government. Naturalization is subject to several conditions: that the person entered Iraq legitimately, has lived legitimately in the country for ten consecutive years, is of good conduct and reputation and has not been convicted of an offense or dishonourable misdemeanour, is free from communicable diseases, and can support themselves financially. Naturalization is also subject to the approval of the Minister. In practice, naturalization has not been feasible as a durable solution, particularly given that most refugees in Iraq live in the KR-I and have Kurdish origins, which raises political sensitivities regarding demographic change. Naturalization of refugees married to Iraqi citizens is also governed by the 2006 Nationality Law and more feasible.

▶ 1

Overview

▶ 1.1 Context and objectives

The International Labour Organization (ILO) has commissioned a baseline study for Iraq to review relevant policy, legislative and regulatory frameworks and existing practices related to the access of refugees and internally displaced persons (IDPs) to labour markets, employment, livelihoods and training opportunities, including self-employment and business development. This research forms part of a series of similar studies conducted in different countries in the Middle East and the Horn of Africa, coordinated by ILO under the PROSPECTS Partnership. PROSPECTS is a multi-stakeholder partnership supported by the Netherlands Foreign Ministry to improve socio-economic conditions for forcibly displaced persons (IDPs and refugees) as well as the resilience and capacities of host communities in the target countries.

In Iraq, the ILO provides targeted support to labour market institutions, services and actors to create an enabling environment for displaced persons and host community members for better livelihoods and decent job opportunities. It involves implementing labour-intensive infrastructure projects, supporting market-driven skills trainings, financial inclusion and entrepreneurship services, as well as strengthening public employment services. As part of ILO's mandate under PROSPECTS, it aims to promote socio-economic growth and facilitate the integration of refugees and IDPs into the labour market in accordance with international labour standards.

The broad scope of the proposed research study focuses on providing:

- ▶ a thorough assessment of the labour market and its access to displacement-affected communities at the institutional level in Iraq;
- ▶ a comparison of national policies and legislation against existing practices;
- ▶ an understanding of gaps between policy and practice as well as the capacities and abilities of relevant actors (government, institutions, partners and NGOs) to intervene effectively.

The findings contained in this report portray the baseline situation of the policies, laws, regulations and practices in place in Iraq as it pertains to forcibly displaced populations. This includes four elements: 1) access to the labour market; 2) access to training; 3) rights at work; and 4) naturalization pathways for refugees.

Annex 1 provides a matrix of specific research questions.

▶ 1.2 Methodology

The study was conducted using primary and secondary data sources, in close consultation with ILO and IMPACT Initiatives, who provided technical supervision and methodological guidance. Secondary data included a thorough assessment and literature review of relevant policies, legislation and regulations governing forcibly displaced people's access to labour markets in federal Iraq and the KR-I. Primary data was collected, using a qualitative comparative method to fill identified information gaps and triangulate findings from the literature review. This included key informant interviews (KIIs), semi-structured interviews (SSIs), and focus group discussions (FGDs), as described below.

Site selection and sampling

This study used a selective purposive sampling process to recruit participants who could provide detailed information and knowledge on existing legislation, frameworks and policies, as well as insight into gaps in terms of their existence and application.

Most participants were located in Baghdad, Dohuk, Erbil or Ninewa. Some regional ILO specialists interviewed were also located in Beirut and Amman. Baghdad and Erbil were selected because, as the capital cities of Iraq and the Kurdistan Region of Iraq, many government officials and key informants are based there. Dohuk and Ninewa were selected as these are target governorates for the PROSPECTS programme in Iraq and are areas with high concentrations of IDPs and refugees.

Interview informants were identified in consultation with the ILO to target and collect the viewpoints of the most knowledgeable and prominent stakeholders in the sectors of interest. SREO also used its own local networks to identify and interview experts of choice who could provide missing information. Additional key informants were also sampled through a snowball sampling process and referrals from interviewees. FGD participants were identified through local community leaders and SREO networks.

A summary of participants is provided in Annex 2.

Data collection

Data collection lasted from November 2021 to March 2022. Most data were collected in person, with some interviews being conducted remotely via videoconferencing where this was necessary (according to the respondent's location or availability, for instance). SREO aimed for gender parity when possible and ensured the presence of female researchers as necessary (for example, to interview female respondents). Copies of the data collection tools used are included in Annex 3.

Key informant interviews (KIIs): KIIs are individual interviews conducted with people who are particularly knowledgeable and reliable sources on specific topics. Each interview guide included 10 to 20 questions (mostly open-ended – see Annex 2) and lasted up to approximately 60 minutes. When possible, KIIs were audio-recorded with a participant's verbal informed consent. SREO planned to conduct 51 KIIs with stakeholders in government, private sector, humanitarian and UN agencies, including within ILO itself. Of the targeted participants, eight were not available or declined to participate, meaning 44 KIIs were conducted in total.

Semi-structured interviews (SSIs): SSIs are similar to KIIs but were designed to be more open-ended and were conducted with community members to understand the extent of knowledge, understanding, attitudes and practices surrounding rights to employment and livelihoods. Each guide included no more than five to ten topics and lasted a maximum of 45 minutes. When possible, these were audio-recorded with verbal informed consent. Additional sampling criteria for SSI included displacement status, employment status, and gender. In total, 28 SSIs were planned and conducted, with IDPs and refugees in Dohuk, Ninewa and Erbil. Interviews aimed for a balanced mix of refugees and IDPs living in and outside camps, where possible. In Ninewa, where access to refugees was particularly challenging, four SSIs planned with refugees were retargeted to IDPs instead.

Focus group discussions (FGDs): FGDs provided a group-level understanding of relevant phenomena, to complement the SSIs. They aimed to explore the “why” and “how” of discussion topics, offering a broader picture of a specific group’s experience. The FGD guides were loosely structured around four or five topics and did not exceed 60 minutes. When possible, these were audio-recorded with each participant’s verbal informed consent. A total of six FGDs were planned and conducted, with employed and unemployed refugees and IDPs in Ninewa and Dohuk.

Data analysis

The first phase of data analysis took place during the inception phase of the study and consisted of a thorough literature review of secondary data and grey literature, which provided a basis for assessing the available information and gaps in understanding. Based on the literature review and evidence gap analysis, the second phase of data analysis drew upon the primary data collected and consisted of information triangulation and verification. Several researchers were involved in the process to limit researcher bias in interpretation of perspectives provided. Data analysis was based on content analysis rather than thematic analysis, given the nature of the research questions and the fact that interviewees typically addressed different subjects.

▶ 1.3 Limitations

In any qualitative study, where participants are not selected using a random statistical method, there is always a possibility of sampling and selection bias, in which certain groups end up over- or under-represented in the study. SREO worked to design a balanced methodology, incorporating the views of both men and women, IDPs and refugees, and different ethnic backgrounds (Syrian Kurds, Iraqi Arabs, Yazidi). However, some groups are not represented in the data – for example, IDPs or refugees living outside Ninewa and Dohuk, ethnic groups other than those mentioned above, disaggregated perspectives from people of different age groups or people living with disabilities, and so on. Owing to their unique status in Iraqi law and their exclusion from many of the provisions which apply to other refugees, Palestinians living in Iraq are not covered in this study. As such, caution should be applied in generalizing some of the findings to other groups. In particular, findings in the 2.4 practice section of the report are based on the perceptions and attitudes of respondents and may therefore have some element of respondent bias. It was not always possible to confirm and triangulate these opinions.

SREO also faced challenges in obtaining government permission to work, particularly in Dohuk and Ninewa, where the political context has meant these processes operated more slowly than expected. In late November, the Directorate of NGOs in Baghdad issued new requirements for research and data collection. Although these rules do not strictly apply to either ILO or SREO (since neither are an NGO), there was a period of uncertainty in local government about the correct processes that should apply, and consequent delay with obtaining permissions. There have also been political tensions in the KR-I, which have made data collection there slower than normal. Similarly, obtaining access to refugees and IDPs living in camps in Ninewa and Dohuk was challenging, as this required contact and negotiation with gatekeepers such as camp managers. While SREO was ultimately able to navigate all these challenges, with support and access letters from ILO as required, it caused significant delays to the data collection process.

▶ 2

Main findings

▶ 2.1 Socio-economic context

2.1.1 Relationship between federal Iraq and Kurdistan Region of Iraq

Since 2003, a key debate concerning Iraq's political institutions has been the question of centralization versus decentralization. Iraq's 2005 Constitution established Iraq as a federation, comprised of a federal government and different subnational units known as "regions" and "provinces" that are granted varying degrees of autonomy over administrative, legal, and policy matters. The Constitution recognizes Kurdistan (composed of the governorates of Erbil, Dohuk and Sulaymaniyah) as the only federal region of Iraq,¹ with its own institutions (regional government, parliament, presidency and internal security forces) and a higher level of autonomy from the centre compared with the remaining 15 provinces. Article 110 of the 2005 Constitution sets out a list of powers that are to be exercised "exclusively" by the federal government,² while Article 114 enumerates powers that are to be "shared" by the federal and regional authorities. Article 115 provides that all the powers that are not explicitly listed under articles 110 and 114 belong to both the regions and the provinces, and Article 121 gives the KRG the right to amend the application of Iraq-wide legislation that falls outside the federal authorities' exclusive powers.

1 Article 117(1) states that "This Constitution, upon coming into force, shall recognize the region of Kurdistan along with its existing authorities, as a federal region."

2 The exclusive authorities of the federal government, according to Article 110, are: formulating foreign policy and diplomatic representation, negotiating, signing, and ratifying international treaties and agreements; formulating and executing national security policy, including establishing and managing armed forces; fiscal and customs policy, currency and monetary policy, regulating of commercial policy across regions; and regulating issues of citizenship.

Ambiguity in the Constitution, and differing visions for how the system of government should function, mean that the federal government, KRG and provinces often interpret the powers and autonomy set out in the Constitution inconsistently. The federal government seeks to maintain a high degree of centralization, the KRG operates on the understanding that the constitution provides it close to full autonomy over many issues, and some provinces periodically seek greater autonomy in the exercise of their functions.³

The KRG relies on Decision No. 11/1992 as a means of interpreting the 2005 Constitution and determining whether laws issued by the federal government pursuant to its powers apply in the KR-I. Article 1 of Decision No. 11/1992 calls on governmental institutions of the KRG to examine laws and instructions issued by the federal government to determine if they are “compatible with the interests of the people of Kurdistan”. Laws are then presented to the National Council (of the Kurdistan Region) to determine the validity of such provisions within the KR-I. Article 2 then states that [as of 23 October 1991] laws, decisions, regulations and instructions issued by the federal government will not be applied in the KR-I unless the National Assembly of Iraqi Kurdistan approves the legitimacy of their validity in the region. This Decision is closer in essence to a declaration of principle than to a legal instrument; however, there is no doubt that it is consistently respected.⁴ In practice, this means that federal legislation – that is, legislation passed by the Iraqi Parliament – issued since 2003 would a priori be presumed not to be legally valid in the KRG, unless it had been “ratified” by the Iraqi Kurdistan Parliament, with or without amendments.

There have been delays in the implementation of Decision No. 11/1992, resulting in gaps and a lack of clarity in the legal order.⁵ Many federal laws have been amended by the Iraqi Parliament since 2003, but those amendments are not yet operative in the KR-I because of Decision No. 11/1992. As a result, there are many laws or amendments that apply in Iraq but are not operative in Kurdistan because of the lack of a law to put them into effect. To give one example: the new Labour Law No. 37/2015 was issued by the Iraqi Parliament on 19 October 2015. This law is more compatible with the international standards concerning the rights of workers; however, the KRG still applies an earlier law enacted by the Revolutionary Command Council, Labour Law No. 71/1987 (and its amendments) since –at the date of writing – the new law has not been ratified by the National Assembly of Iraqi Kurdistan.

The decentralized powers available to regions (namely, the KRG) and, to a lesser extent, provinces, also means that although IDPs are Iraqis by law and possess equal rights to other citizens, in practice the KRG and provinces sometimes utilize their decentralized powers to differentiate certain IDPs from other citizens. Where relevant, these instances are flagged throughout this report.

2.1.2 Labour market situation

Iraq has one of the lowest employment-to-total-population ratios in the Middle East: labour force participation is estimated at 49 per cent for federally administered Iraq⁶ and 40 per cent for KR-I.⁷ Labour force participation of women has increased in recent years but remains low overall: in 2020, only 10.6 per cent of the employed population in Iraq was female.⁸ Almost a quarter of the labour force is either unemployed or underemployed,⁹ and prior to COVID-19, Iraq already had a high unemployment rate of 19 per cent; this figure has since increased.¹⁰

3 World Bank, “KRG Comprehensive Review of Legislation in the KRG.” 2018. Available at: <https://documents1.worldbank.org/curated/en/760851537392719616/pdf/KRG-Comprehensive-Review-of-Legislation-Transition-Phase-FINAL-14-June-2018.pdf>

4 World Bank, “KRG Comprehensive Review of Legislation in the KRG.” 2018. Available at: <https://documents1.worldbank.org/curated/en/760851537392719616/pdf/KRG-Comprehensive-Review-of-Legislation-Transition-Phase-FINAL-14-June-2018.pdf>

5 World Bank, 2018.

6 ILO, “IRQ - ILO - ILO Estimates and Projections – ILO modelled estimates, July 2017 (%)”

7 Kurdistan Regional Statistics Office (KRSO), “Estimated Impacts of the 2014 Twin crises in Iraq.” 2018. Available at: <http://krso.net/files/articles/180218030617.pdf>.

8 ILO, “World Employment and Social Outlook.” Available at: <https://www.ilo.org/wesodata/>.

9 World Bank, “Jobs in Iraq: A Primer on Job Creation in the Short-Term”, 2018.

10 ILO and Fafo Institute for Labour and Social Research, “Rapid Assessment of the Impacts of COVID-19 on Vulnerable Populations and Small-scale Enterprises in Iraq”, July 2020.

The Iraqi labour force is characterized by a large public sector, representing some 40 per cent of employment and nearly all formal sector jobs, and limited opportunities in the private sector. The private sector accounts for roughly 40 to 50 per cent of employment (with the remainder working in both sectors, in state-owned enterprises, and so on)¹¹ and is predominantly informal with a high rate of daily wage earners.¹² The oil sector is the main contributor to economic growth in Iraq; however, it is capital-intensive with limited employability potential. After public service and trade, agriculture is Iraq's third largest employment sector in the country and the largest for its rural population;¹³ it is also notable as women represent a large part of the agricultural workforce.¹⁴ The construction sector accounts for 15 per cent of all private sector employment in Iraq, while manufacturing employs 8 to 10 per cent of the total workforce.¹⁵ Some 70 to 80 per cent of the Iraqi economy is estimated to be in the informal sector, and this is where most refugees and IDPs work. There is little visibility in official statistics about employment in the informal sector and little robust data on the participation of different groups, such as women, children, refugees and IDPs, within the informal labour force.

Issues that favour the informal economy are rife, including uncontrolled urbanization, mass displacement, low access to finance and excessive bureaucracy.¹⁶ Compared with the public sector, the private sector has lower average wages, job security and benefits, and often lacks formal contracts.¹⁷ The work conditions that apply to daily wage earners in the informal economy are characterized by low pay, manual labour and limited opportunities for career advancement. Since the onset of COVID-19, daily workers have had to reduce hours, accept lower wages, and go into greater levels of debt.¹⁸ Significant portions of the Iraqi population (including workers in the informal economy) remain outside the coverage of either non-contributory or contributory schemes. Further, the dual public-private social insurance system perpetuates inequalities, fragments the labour market, is administratively costly, and limits labour market mobility owing to lack of portability between funds.

2.1.3 Displacement context

There are currently 303,008 refugees in Iraq, according to UNHCR figures.¹⁹ Of this refugee population, 263,783 are from Syria and 39,225 from other countries (mainly Turkey and Iran, with smaller numbers from Sudan). Most Syrian refugees are of Kurdish ethnicity and arrived in Iraq following conflict in 2012 and 2013. Most refugees live in the KR-I (98.8 per cent of Syrian refugees and 92 per cent of refugees from other countries) while the remainder are registered in Baghdad, as well as west and southern Iraq.²⁰ Approximately 36 per cent of Syrian refugees live in camps in the KR-I. It is likely that Syrian refugees will remain engaged in the labour market in KR-I at least in the short-term: 69 per cent of Syrian refugees in the KR-I intend to remain in their current location for the next 12 months and only 0.3 per cent wish to return to Syria (down from 4.4 per cent in the year before).²¹

11 ILO, "A diagnostic of the informal economy in Iraq", 2021. Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_830086.pdf.

12 UNESCO Office Iraq, "Assessment of the labour market and skills analysis: Iraq and Kurdistan Region-Iraq: informal sector." 2019. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000371374>.

13 FAO, "Agriculture damage and loss needs assessment", 2017. <http://www.fao.org/3/a-i7810e.pdf>.

14 Ashr Al-Haboby, et al., "The Role of Agriculture for Economic Development and Gender in Iraq: A Computable General Equilibrium Model Approach." *The Journal of Developing Areas*, 50:2, 2014.

15 Danish Refugee Council, "Labour market and livelihoods competency assessment." 2020. Available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/drc_labour_market_and_livelihoods_competency_assessment.pdf.

16 UNESCO Office Iraq. 2019.

17 ILO, 2021.

18 Based on a study with 47 men and women from urban and rural areas in Diyala, Kirkuk, Ninewa and Salah al-Din, of whom 40 were returnees, 6 IDPs, and 1 a host community member. Ground Truth Solutions, "Falling through the cracks: Iraq's daily workers live without security, savings, or support," 2021. Available at: <https://reliefweb.int/report/iraq/falling-through-cracks-iraq-s-daily-workers-live-without-security-savings-or-support>

19 UNHCR Iraq, July 2022. Available at: <https://data.unhcr.org/en/situations/syria/location/5>.

20 Durable Solutions Platform, "Far from Home: Future Prospects for Syrian Refugees in Iraq," 2019. Available at: <https://bit.ly/2IQEkGd>.

21 UNHCR, "Iraq: Spontaneous returns to Syria", 2021. Available at: <https://reporting.unhcr.org/document/2150>.

Across Iraq as a whole, there are around 1.2 million IDPs, or 203,344 households, representing around 20 per cent of all those displaced between 2014 to 2017 because of the conflict with the Islamic State of Iraq and the Levant (ISIL).²² This means that more than 80 per cent of those who were originally displaced have returned to their area of origin – accounting for nearly 5 million people – although the pace of returns has dropped since 2018.²³ Many IDPs came from Ninewa, Salah al-Din and Anbar governorates, and many of those who have returned to these areas now live in severe conditions, with poor access to services and facilities. Additionally, many families have been displaced more than once, including as a result of a policy of camp closures in federally administered Iraq from 2019 to 2021,²⁴ and many of these people also live in precarious conditions.

Most IDPs and refugees who work in the KR-I receive their primary income from daily wage labour, often in the construction and agriculture sectors for men, and in retail for women. These are typically unskilled labour and affected by sectoral and seasonal demand cycles. For example, nearly 50 per cent of IDPs living outside camps and around 40 per cent of those settled in camps rely on daily labour (this compares to 20 per cent among the non-displaced population in the KR-I). Displaced people find it difficult to find jobs that would enable them to cover their basic costs of living, and those living outside camps may find it difficult to compete with those in camps where living costs are lower, allowing them to accept lower wages.²⁵ Yazidi IDPs face particular difficulties in finding employment and typically worked in informal commerce or inconsistent daily labour, because of low levels of education as well as lack of work experience in sectors other than construction and agriculture. In a recent IOM study, half of the interviewed Yazidi IDPs were unemployed (49.6 per cent) compared with only 24 per cent among Christian, Shabak Shi'a and Turkmen Shi'a IDPs.²⁶

Forcibly displaced women face heightened challenges in accessing employment. A 2021 study found that among Syrian refugees, only 2 per cent of Syrian refugee women in Erbil and 3 per cent in Dohuk were working outside the home, compared with 83 per cent and 78 per cent of Syrian refugee men, respectively. Among host community women, the situation is not any different and only 4 per cent reported to have 1 female working in the household.²⁷ Displaced women face numerous challenges in accessing employment, including limited economic opportunities, individual- and community-level barriers, legal restrictions and exacerbated vulnerability, particularly for female-headed households.²⁸

22 IOM, "Protracted Displacement in Iraq: District of Displacement Profiles", February 2022.

23 Overview of Return in Iraq, DTM Integrated Location Assessment VI, 2021.

24 Overview of Return in Iraq, DTM Integrated Location Assessment VI, 2021.

25 DRC, UN Development Programme (UNDP), UNHCR, "A Study of the Opportunities in Labour Markets for IDPs and Refugees in KR-I Construction Labour and Service-Sector Labour Market Systems," December 2014. Available at: <https://bit.ly/2UprErq>, p. 7.

26 IOM, "Understanding Ethno-Religious Groups in Iraq: Displacement and Return Report", 28 February 2019. Available at: <https://bit.ly/2VHf1LS>, pp. 6, 10, 11.

27 IMPACT and UNHCR, Multi-Sectoral Needs Analysis, 2021. Available at: <https://data.unhcr.org/en/documents/details/91543>.

28 D. Jayasinghe, "Choices, changes, and safety in crisis: A model for women's economic empowerment," International Rescue Committee, January 2019.

► 2.2 Legislation, policies and regulatory frameworks

2.2.1 Access to labour markets

2.2.1a Legal identity

Federal Iraq

Iraq is not a signatory to the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) or its 1967 Protocol. Two national legislative instruments specific to refugees have been enacted. The first is the 1971 Political Refugee Law, which is the primary law regulating refugees in Iraq (although other laws in KR-I mean the legal context there is distinct, as described in the subsequent section). It defines a refugee as any person who seeks asylum in Iraq for *political or military reasons*,²⁹ a narrow definition that excludes many categories of refugees recognized by the 1951 Refugee Convention, such as those who fled for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The 1971 Political Refugee Law was not intended to accommodate a large influx of refugees with humanitarian needs, and as such it fails to protect the status and rights of the majority of refugees in the present day, including almost all Syrian refugees. The Federal Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI), with support from UNHCR, is responsible for assessing whether refugees meet the criteria set out in the 1971 Political Refugee Law. Refugees and asylum seekers holding a valid PC-MoI card do not need to obtain a residency permit separately in order to remain in Iraq, since registration with PC-MoI regularizes their presence.

The second law is Law No. 21 of 2009 from the Ministry of Migration and Displacement, which complements rather than replaces the 1971 Law, since Law No. 21 of 2009 does not recognize refugees' status or regulate residency or other rights – only the provision of humanitarian assistance. Law 21 established the Ministry of Migration and Displacement and recognized that the “necessary services” should be provided for refugees, IDPs, and returnees in Iraq.³⁰ In particular, it provides that the Ministry shall “seek to improve their [refugees', IDPs' and returnees'] livelihoods... [and] prioritize in accordance with benchmarks for poverty, humanitarian needs, and other standards.”³¹ The reference to refugees in Article 2(7) of Law 21, is broader than that in the 1971 Law and therefore more closely aligned with international standards and the Refugee Convention, expressly referring to refugees as defined by international law and conventions to which Iraq is a party. Refugees are defined to include those displaced by persecution on the basis of race, religion, nationality, membership of a particular social group, or political opinion, as well as those fleeing violence or events dangerously undermining public order threatening their lives, integrity or freedoms. However, while Law 21 provides for the delivery of humanitarian assistance to both refugees and IDPs, it does not specify the rights of refugees or IDPs or clearly define the responsibilities of the Ministry. Therefore, Law 21 does not enable recognition of refugee status or any associated rights such as residency or the right to work. This means that the 1971 Political Refugee Law remains the only legal framework by which refugees in federal Iraq can be legally recognized and claim associated rights.

29 Iraq: Act No. 51 of 1971, The Political Refugee Act, 10 April 1971. Art. 1(3). Available at: <http://www.refworld.org/docid/560a498c4.html> (last visited 6 December 2018). The 1971 Law did not define what constitutes political and military reasons; rather it is left for the refugee status determination procedure mandated to the Permanent Committee for Political Refugee Affairs (PCMOI) established by the 1971 Law.

30 Iraqi Law No. 21 of 2009 by the Ministry of Migration and Displacement, adopted 2009, Art. 2(7). Available at: http://www.iraq-ig-law.org/ar/webfm_send/1014 (last visited 6 December 2018).

31 Draft of the Ministry of Migration and Displacement Law No. 21, Article 3. 2009.

Technically, refugees who do not meet the criteria set out in the 1971 Political Refugee Law are treated as foreigners and regulated under the Foreigners' Residency Law (Law 76/2017) which stipulates conditions for the entry and exit of foreigners and requirements for visas and residency. Article 3 requires that any person who does not hold Iraqi nationality must obtain an entry visa in order to enter Iraq. Refugees who initially entered Iraq through regular channels (with a valid passport and visa) are treated as any other foreigner and are not considered to be eligible to claim asylum, which means that when their initial visa and residency permit expires, they may find it difficult to legally remain in Iraq, if their visa is not extended. The Directorate of Residency at the Ministry of Interior issues residency permits for foreigners, which typically last for one year. As a result, if a refugee is not recognized under the 1971 Political Refugee Law, they are not legally protected against deportation to their country of origin. In practice, some specific categories of foreigners are recognized as refugees based on nationality and date of arrival, but not according to any formal or publicly available decision. For example, Syrians are often registered as "displaced persons" rather than refugees, pending a formal decision about their status. However, the de jure rights associated with this status are unclear and not grounded in legislation.

Kurdistan Region of Iraq

A different system regulates the presence and rights of asylum seekers and refugees in the KR-I. The Iraqi Constitution gives the Government of Iraq the exclusive power to regulate issues related to "citizenship, naturalization, residency and the right to apply for political asylum",³² and therefore the KR-I authorities do not have authority to conduct Refugee Status Determination (RSD) for asylum seekers and grant refugee status (rather, this responsibility falls solely with the federal PC-MoI).

In the KR-I, the application of the Foreigners' Residency Law (Law 76/2017) is shared between the Ministry of Interior and the Security Agency (known as the Asayish) and governed through two administrative instructions issued by the Ministry on visa and residency.³³ This law does not provide any formal exception for asylum seekers or refugees who cross borders in a regular or irregular manner and who do not meet the formal visa or documentation conditions. Theoretically, this means that when an asylum seeker enters the KR-I, they could be held by security actors, although in practice, this does not happen. The KR-I Ministry of Interior and General Directorate of Asayish in Kurdistan have released decrees recognizing the right of Syrian refugees to seek asylum, with the requirement they register with UNHCR.³⁴

The current practice is that when asylum seekers enter the KR-I and seek asylum, UNHCR registers and provides them with an asylum seeker certificate and the KR-I government provides them with a formal identity card known as the asylum seeker/refugee residency which grants them temporary residency for one year, subject to passing a blood test (for HIV and hepatitis A, B, and C) and security clearance. Currently, this avenue to seek asylum is only open to asylum seekers entering irregularly.³⁵ The residency is renewable annually. After registration with the KR-I authorities, asylum seekers can reside legally in the region, and their identity card entitles them to basic rights, including the right to work (although they must also apply for a separate work permit), to rent accommodation, and to access public health care, public education and courts.³⁶ However, they may face penalties if they do not obtain the required residency or if it is not renewed each year.³⁷ The residency permit is also only valid within the KR-I, which means that if refugees attempt to travel to federally administered Iraq they risk arrest, detention and possibly deportation.

32 Article 110(5) of the 2005 Constitution.

33 Statement No (7) of 2017: Special for granting electronic visas and residence in the Kurdistan Region and Instruction No 1 of 2021, Instruction of Issuing Electronic Visa and Residence in Kurdistan Region.

34 UNHCR, International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic Update V. 2017. Guidelines from the General Directorate of Asayish in Kurdistan No.1463, 2016.

35 UNHCR is working with the KRG to issue Administrative Instructions for the issuance of Humanitarian Residency Cards to Asylum Seekers. Once issued, the Administrative Instructions allows individuals to seek asylum in the KRI regardless of mode of entry, regular or irregular.

36 Joint Agency Briefing Paper, "Right to a Future: Empowering refugees from Syria and host governments to face a long-term crisis." Available at: <https://policy-practice.oxfam.org/resources/right-to-a-future-empowering-refugees-from-syria-and-host-governments-to-face-a-581896/>.

37 Abdullah Omar Yassen, "The Prospects for Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq: A Case Study of Erbil Governorate Camps," *Refugee Survey Quarterly*, 38, pp. 448-469, 2019.

IDPs and returnees

IDPs and returnees are Iraqi citizens and are not legally distinguished from non-displaced citizens. However, one law that recognizes IDPs is Law 21 of 2009, which established the Ministry of Migration and Displacement (MoMD) and mandated MoMD to provide humanitarian assistance to refugees (defined above), plus:

▶▶ *"displaced Iraqis who were coerced or forced to flee their homes or left their usual place of residence inside Iraq to avoid the effects of armed conflict, circumstances of generalized violence, human rights violations, natural or man-made disasters, the arbitrary use of power by the authorities or due to development projects,"*

as well as:

▶▶ *"Iraqis returning home from abroad or internal displacement to reside in their former homes, their hometowns, or usual place of residence in Iraq or any other place chosen to reside in within Iraq after being subjected to forced displacement."*

However, Law 21 does not articulate or protect any rights specific to IDPs and returnees; it simply mandates the MoMD to provide humanitarian assistance to both groups of people.

In addition to this, in response to ISIL's expansion and mass displacement between 2014 and 2017, most governorates introduced stringent entry and residency restrictions that apply to IDPs who originate from other governorates. In 2021, while these restrictions have eased, persons from areas formerly occupied by ISIL (and particularly Sunni Arabs and Sunni Turkmen residents from those areas) are subject to security screening and clearance requirements, as well as sponsorship for residency.³⁸ Access and residency requirements are not always clearly defined, and implementation can vary or be subject to changes depending mostly on the security situation. Moreover, entry and residency requirements are generally not grounded in law nor are they officially announced. For more details, see the section on freedom of movement.

2.2.1b Right to work and mechanisms governing access to labour markets

Refugees in federal Iraq

The employment relationship in federally administered Iraq is regulated by the 2015 Labour Law (37/2015),³⁹ which replaced its predecessor, Law 71/1987 in 2016. Other sources of law include the Retirement and Social Security Law (39/1971), as amended; the Civil Code (40/1951), as amended; and the Penal Code (111/1969), as amended. In addition, governmental decrees and decisions of the Ministry of Labour and Social Affairs (MoLSA) and customary practices further regulate employment in Iraq. Public sector employees are regulated by the Law on Civil Servants (24/1960) and the Law on the Disciplining of State and Public-Sector Employees (12/1991).

The small number of refugees who meet the criteria in the 1971 Political Refugee Law and are issued with a residency/identity card from PC-MoI are granted the right to work (as well as the same health and education services as Iraqis).⁴⁰ However, this right to work is not unfettered, and refugees who wish to engage in certain types of work must also comply with the separate legal requirements that regulate them.

38 UNHCR, "Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq," January 2021. Available at: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5ffc243b4&skip=0&query=UNHCR%20Country%20of%20Origin%20Information%20to%20Assist%20with%20the%20Application%20of%20UNHCR%E2%80%99s%20Country%20Guidance%20on%20Iraq>.

39 Together with Directive No.18 of 1987 and Resolution of the Ministry of Labour and Social Affairs No. 80 of 2013.

40 Iraq: Act No. 51 of 1971, The Political Refugee Act, Art. 11, 10 April 1971.

In terms of the work that is permitted by the PC-MoI residency card, Article 11 of the Political Refugee Law grants refugees the right to engage in trade and business on an equal footing with Iraqi nationals, which means that refugees and persons seeking asylum who are registered with PC-MoI as refugees can be employed in the private sector without the need to obtain a separate work permit from MoLSA.⁴¹

However, while the PC-MoI issues residency to refugees recognized under the 1971 Law and permits them to engage in trade and business in the private sector, refugees are still required to comply with the 2015 Labour Law. The 2015 Labour Law states that every company hiring a foreign employee must obtain a work permit for the employee.⁴² The PC-MoI does not issue work permits associated with companies (since this is the jurisdiction of MoLSA) and therefore refugees must follow the process established by the Labour Law if they wish to work as an employee for a company. Employers are prohibited from employing non-Iraqi people, in any capacity, without a work permit issued by the MoLSA (Article 30) and a non-Iraqi employee cannot be engaged with any work as an employee prior to obtaining this work permit (Article 31). These permits are not issued without a valid residency document, which means that obtaining a PC-MoI residency card is a prerequisite to being eligible to apply for a work permit (in the event a refugee wishes to work for a company). The company will apply for the work permit on behalf of the refugee, which requires (at a minimum) valid ID documents and a PC-MoI residency card. In addition, depending upon the sector, evidence of valid education and trade qualifications may be required.

If foreigners – including refugees – wish to work in a highly skilled professional sector such as medicine or dentistry in federal Iraq, they are generally asked to obtain a work permit specific to that sector before being able to be employed, and some have been required to leave Iraq to apply for such a permit from abroad.⁴³ The process for applying for sector-specific approval appears to be regulated by official bodies associated with each sector. A detailed examination was beyond the scope of this report; however, refugees are required to follow the same process as foreigners in this respect, meaning they would need to evidence educational and technical qualifications and fulfil the sector-specific requirements associated with practising in their profession.

Finally, according to key informants, foreigners including refugees in practice are unable to work in the public service without the permission of the Minister of Interior (which is not typically granted).⁴⁴

Refugees in the Kurdistan Region of Iraq

Although Labour Law 37/2015 replaced Labour Law 71/1987 in 2016, the Kurdish Parliament has yet to ratify it.⁴⁵ Nonetheless, when it comes to access to the labour market and employment rights, KR-I primarily applies the Iraqi Labour Law (Law 37/2015) to govern employment relationships in KR-I.⁴⁶ A number of “instructions and regulations” have been issued to clarify, expand or otherwise amend the framework, though the content and scope of these is difficult to determine, as these instructions are not always published or made available to the general public.⁴⁷ Generally, however, these laws cover all aspects of employment, from hiring to termination, benefits and avenues for complaint. In theory, the protections included in these laws should apply equally to IDPs (as citizens) and refugees, provided they have obtained the proper documentation (work and residency permits).⁴⁸

41 Interview with legal expert, UN agency, Iraq. See also ILO, “A diagnostic of the information economy in Iraq,” 2021. Available at: https://www.ilo.org/beirut/publications/WCMS_830086/lang-en/index.htm.

42 Article 30, Iraqi Labour Law No. 37 of 2015.

43 ILO, 2021.

44 Article 11(d) of the Political Refugee Law.

45 At the time of writing, the Council of Ministers approved the new draft Labour Law in KRI and referred it to the Kurdistan Parliament for ratification.

46 Durable Solutions Platform, “My hope is to stay here: Shared livelihoods services as a pathway towards integration in the Kurdistan Region of Iraq” 2021. Available at: <http://rdpp-me.org/storage/app/public/partner-publications/April2021/iQDgmOPsKrAppchKcDgr.pdf>.

47 Sarab K. Hassan, “Employment and Labour Law in Iraq”, Al Sarab Law Office, 2018. Available at: <https://www.lexology.com/library/detail.aspx?g=8fc1dc22-85ab-453a-b833-d4de286f9ff9>.

48 Sarab K. Hassan, 2018.

The key provisions regulating the employment of foreign workers is the same under Labour Law 37/2015 and Labour Law 71/1987. Labour Law 37/2015 is discussed in the previous section and is observed in the KR-I; it mirrors Article 23 of the 1987 Labour Law which stipulates that no foreign worker may be engaged as an employee before having received a work permit from MoLSA. This means that – similar to the function of the PC-MoI card in federal Iraq – the issued by the KRG provides a de facto right to work for all refugees within the KR-I (provided they meet the minimum legal age for employment, which is 15 years) and holders of asylum seeker/refugee residency can thus work in the informal sector without additional permissions. However, if they wish to be employed by a company, they must comply with the Labour Law, and the company must therefore obtain a separate work permit on their behalf. Equally, refugees who wish to work in certain professions in the private sector in the KR-I (such as medicine or dentistry) must comply with the regulatory requirements specific to each sector and which require, at a minimum, evidence of educational and technical qualifications.

It is important to note that this de facto right to work in (certain) private sector occupations is not reflected in any legal frameworks or policies. As such, access to employment depends on the enduring benevolence of the KRG and stable relations between the KRG and the Federal Government, and there is little guarantee for long-term economic inclusion.⁴⁹ Moreover, it means that refugee employment in KR-I is typically limited to jobs and occupations in the private sector that do not require additional documentation such as educational or technical qualifications. Professions such as dentists, pharmacists, lawyers, and taxi drivers require identity cards or professional certificates, which are not always possible to present or evaluate, and may prevent refugees who are otherwise qualified from accessing jobs in their former profession.⁵⁰

Finally, as with federally administered Iraq, refugees in the KR-I are unable to access public employment without formal permission from the Minister.⁵¹

2.2.1c Right to start, improve, and register a business

This section presents the requirements for refugees in federally administered Iraq and the KR-I together, since the process is similar in both, and IDPs must also go through the same process. The Companies Law No. 21 of 1997 (as amended in 2004) is the main legislation governing enterprises in Iraq, including the KR-I. Legal restrictions on foreign ownership of enterprises in Iraq were largely removed in the early 2000s, and foreigners now have the right to acquire membership in enterprises as founders, shareholders or partners.⁵² Under the amended Companies Law, there is no requirement for the directors or shareholders to be Iraqi nationals.⁵³

There is no legal framework or special authorization in place to enable refugees to obtain a licence to operate a business. Instead, refugees must follow the same procedures as a foreign entrepreneur when registering a business. The Chamber of Commerce (or Chamber of Commerce and Industry in the KR-I) is responsible for registering an enterprise, a process that is available to all nationalities, but which presents greater legal and practical barriers to refugees and non-Iraqi citizens. The process of registering an enterprise involves obtaining a security clearance from the MoI (typically processed separately from the security clearance required when applying for the asylum seeker/refugee residency) as well as a licence to register a business.⁵⁴ Reportedly since 2016, applications for security approvals submitted by Syrians as part of the business registration process have often been rejected by the KR-I security apparatus.⁵⁵ A number of registration requirements, including the provision of a residency permit (including either a PC-MoI card in federal Iraq or an asylum seeker/refugee residency in the KR-I) and licence can make

49 ILO, 2021.

50 ILO, 2021.

51 Interview with legal expert, UN agency, Iraq.

52 Companies Law of 1997 (as amended in 2004), Article 12 and Ministerial Instruction No. 196 dated March 15, 2004.

53 Companies Law No. 21 of 1997 (as amended in 2004), Section 3, Article 12.

54 Durable Solutions Platform, "Far from Home: Future Prospects for Syrian Refugees in Iraq," 2019. Available at: <https://reliefweb.int/report/iraq/far-home-future-prospects-syrian-refugees-iraq>.

55 Durable Solutions Platform, 2019.

the process for registration time-consuming and potentially pose barriers for those who do not possess the necessary documentation.⁵⁶ One challenge that limits the type (and size) of enterprise a refugee can establish is that in order to register a business with company status, refugees need a bank account and deposit of 50,000 Iraqi dinars (US\$34). However, it is important to note that refugees can register a business as an individual enterprise without access to a bank account, making this a far more accessible option for them. There is also a widespread perception among refugees and banks themselves that refugees cannot open a bank account without Iraqi national ID, even though there are no legal barriers to doing so (see later section).

Aside from the Chamber of Commerce registration, other forms of registration are also possible for entrepreneurs and businesses depending on their legal profile and the sector they belong to. For instance, the Ministry of Health and Ministry of Agriculture have processes for registration and licensing. Small factories which prefer to register as companies may register with the Ministry of Industry and Minerals, instead of the Ministry of Trade.⁵⁷ While these options are also open for refugees, it appears that the barriers listed above also exist for these forms of registration.

2.2.1d Cooperatives

Cooperatives are present in Iraq and were once a significant feature in the agricultural sector, where they are regulated by the Law on Farmers Cooperatives Societies (No. 43 of 1977). This law makes provisions for, inter alia, identifying the purposes and tasks of the cooperative, establishment and administration for the cooperative, and dissolution. Iraqi law appears to be largely silent on whether refugees and IDPs can form or join cooperatives, and as such there appear to be no formal legal barriers for IDPs and refugees forming or joining cooperatives in Iraq.

2.2.1e Access to finance and financial services

Access to bank accounts

Iraq remains one of the Middle East region's most underbanked countries, and access to financial services is underdeveloped. In both federally administered Iraq and the KR-I, there is no specific legal provision recognizing the ability of refugees to open bank accounts. Equally, there is no legal barrier preventing refugees from opening bank accounts. Despite this, there is a widespread understanding – including by banks – that refugees cannot open accounts. One key reason why banks refuse to open an account for Syrian refugees in the KR-I is that the asylum seeker/refugee residency is not recognized by the federal government (and therefore banks do not consider it to be a sufficient form of ID); however, this does not stem from an explicit legal prohibition or requirement but rather from the banks' own policy position. One exception applies to mobile money, where the central bank has made a special provision for the use of the HRV/UNHCR humanitarian ID as a form of ID in order to open an electronic wallet; however, this does not extend to opening a bank account. Some key informants suggested that refugees residing in federal Iraq who hold a PC-MoI card are able to use it to open a bank account (since it is recognized by the federal government), though refugees with a PC-MoI card still face potential barriers via the bank's informal screening criteria, discussed below.

In addition to the lack of a recognized ID card, it is highly likely that explicit and implicit criteria used by formal financial institutions to screen customers, such as requiring business registration papers or evidence of an employment contract, pose a barrier to refugees opening bank accounts. The application of screening criteria in a way that prevents access to bank accounts is a problem faced not only by refugees but also for most women (who are not engaged in formal employment), paperless people, and those employed by or operating unregistered businesses.⁵⁸ While there is no law preventing these

56 ILO, 2021.

57 ILO, 2021.

58 SREO Consulting and Cash Consortium of Iraq, "Financial inclusion in fragility: Wealth, saving, borrowing and lending among conflict-affected populations in Iraq," 2021.

individuals from opening a bank account, the absence of a law protecting their right to do so contributes to their inability to open an account owing to the bank's subjective screening criteria. There are also severe supply-side and demand-side challenges for formal financial institutions because of issues of accessibility, suitability, desirability and trust.⁵⁹

IDPs and returnees are Iraqi citizens and do not face more formal legal barriers than other citizens. However, they may struggle to meet the documentation requirements because of a higher rate of missing civil documentation.⁶⁰

Access to finance

According to the World Bank, the most challenging aspect for entrepreneurs in Iraq generally is accessing credit (with Iraq ranked 186 out of 190 countries).⁶¹ There do not appear to be any legal barriers for refugees to obtain credit from a bank or a loan for a small or medium enterprise from a private financial institution. However, private banks require specific types of guarantees that are typically out of reach of refugees (as well as most small entrepreneurs). For smaller loans, the recipient must provide a public sector employee to guarantee them, a condition that is usually unachievable since refugees cannot work for the public sector and may not have suitable relationships with local public servants. Moreover, once the size of the loan exceeds the ability of the public employee to guarantee and cover the default, the recipient is required to provide real estate collateral, which is another barrier since refugees cannot own property in Iraq (discussed in section 2.2.1g below).⁶² The same barriers exist for other forms of loans, such as those from the Ministry of Agriculture (MoA).⁶³ As a result, refugees generally get loans from their own informal networks.⁶⁴ The Ministry of Labour and Social Affairs currently operates programmes to provide interest free loans for some borrowers.⁶⁵ However, according to MoLSA, to date these loans have only been available to Iraqi citizens.

Mobile money and cash transfer systems

Mobile money is popular in Iraq, with major providers including Iraq Wallet by mobile network Zain, and Asia Hawala on the Asiacell network. Mobile phone usage is quite widespread, with up to 90 per cent of residents in KR-I and 78 per cent in south and central Iraq having a mobile phone. Pre-paid SIM cards cost around 3,000 Iraqi dinars (US\$2) and can be obtained quickly by presenting an identity card at a shop or kiosk selling SIM cards, making mobile money easier to access than conventional bank accounts. Mobile money is available to refugees and IDPs provided they have adequate identification documents and can be used to send and receive money. Specifically, based on a special provision from the Central Bank of Iraq, refugees are allowed to have SIM cards to allow them to open temporary wallets and receive cash transfers.

Humanitarian agencies are using mobile money to make cash transfers to vulnerable populations, including IDPs and refugees, suggesting these platforms are generally accessible. There is some flexibility for refugees and IDPs, who can usually use UNHCR certificates or camp registration documents as identification. However, there are some challenges. Undocumented refugees and IDPs without any identification may struggle to obtain a SIM card. Among some sub-groups, low digital literacy is also a barrier. The providers also impose restrictions on maximum balance and maximum transfer value, although these are usually high enough to allow a wide variety of day-to-day transactions to be handled.

59 SREO Consulting and Cash Consortium of Iraq, 2021."

60 UNHCR, "Iraq IDPs - Civil and Identity Documentation." 2021. Available at: <https://reporting.unhcr.org/document/2228>.

61 World Bank, Doing Business 2020: Iraq Economy profile, 2020.

62 Interview with economic development expert, Erbil, Iraq.

63 Interview with key informant, Iraq.

64 Interview with economic development expert, Baghdad, Iraq.

65 SREO Consulting and Cash Consortium of Iraq, 2021.

The traditional *hawala* system is also very popular, whereby money is transferred via an informal private network of brokers or *hawaladars*. This is often used to receive remittances from abroad, with brokers able to disperse cash to recipients. The Qi Card, a debit or charge card system supported by the Iraqi government, is also available to Iraqi citizens, and is used for payment of government salaries and social security payments. It has not yet been widely adopted among refugees or by humanitarian agencies.

Employment services

Article 19 of the 2015 Labour Law states that the Employment Office of the Labor Service shall provide employment services for workers, the unemployed and the employers, free of charge and according to the available opportunities. The Law does not define “unemployed”, so it is not clear whether this includes refugees; however, it does not explicitly exclude them.

In federally administered Iraq and the KR-I, the respective MoLSA website offers a jobseeker platform that consolidates and presents a variety of job opportunities to assist jobseekers in finding employment. In federally administered Iraq, these services are available to refugees who are recognized under the 1971 Political Refugee Law and hold a PC-MoI residency card.⁶⁶ However, since the applicant is required to hold a legal residency permit in order to be eligible to register, these services are not available to refugees who do not hold a PC-MoI card. Equally, in the KR-I, these services are available to refugees who hold an asylum seeker/refugee residency.⁶⁷ In addition to the jobseeker website, MoLSA in federally administered Iraq and the KR-I run employment centres that offer career guidance and counselling and job-matching services for unemployed persons. The same eligibility criteria apply to the employment centres; that is, refugees can access these services provided they have a PC-MoI card (in federal Iraq) or an asylum seeker/residency (in the KR-I).

2.2.1g Right to own or rent land

Refugees in federal Iraq

Article 23 of the 2005 Constitution prohibits non-Iraqis from possessing immovable assets (such as land and houses) except as exempted by law. The exemptions that exist are stringent and largely insurmountable for refugees. The 1971 Political Refugee Law provides a very limited ability for refugees recognized under that law to use agricultural land in Iraq. However, the legislation does not specify the scope of the rights in any detail, and states that land will not be registered in their names until they are naturalized.⁶⁸ Refugees and asylum seekers who fall outside the 1971 law are treated as foreigners with regard to the right to own immovable property. Resolution No. 23 issued by the Iraqi Revolutionary Command Council in 1994 prohibited the transfer of immovable ownership to non-Iraqis; this law remains in force and is mirrored by Article 23 of the 2005 Constitution. Renting property and agricultural land is not well regulated, particularly as it relates to refugees.⁶⁹ General regulations exist in Civil Code Article 722-793 and the Real Estate Lease Law No. 87 of 1979, which govern rentals of land and property, define the obligations of tenants and landlords, and provide for dispute resolution and contracts. However, while these laws would in principle apply to refugees who are legally resident in Iraq, their application and enforcement is somewhat inconsistent, and there are no specific legal protections for refugees regarding land ownership and renting.

66 Interview with key informant, Iraq.

67 Interview with key informant, Iraq.

68 See Article 11 of the 1971 law. Although the wording of the Article is vague, the implication of the naturalization process would be that the refugee who is naturalized becomes eligible to own land and property the same as any other citizen, meaning ownership rights, not just use rights.

69 Interview with legal expert, UN agency, Iraq.

Refugees in the Kurdistan Region of Iraq

The process for foreigners to purchase property in the KR-I is complicated and expensive, and in reality infeasible for many refugees, depending on their legal status. Unlike Iraq, which is bound by Resolution No. 23, land ownership in the KR-I is regulated by pre-1994 laws. Law No. 38 of 1961 on Foreigner's Real Estate Ownership in Iraq states that foreigners from non-Arab countries living in Iraq are legally treated the same way as Iraqis are treated in the foreigners' countries. However, there are further conditions upon any foreigner buying property (excluding agricultural land) in Iraq, and the foreigner must meet the following criteria: (i) have held continuous residency in Iraq for at least seven years; (ii) the Government of Iraq has no security concern with the person; (iii) the property to be purchased is more than 30 km from any Iraqi border; (iv) the property has to be officially registered by the Directorate of Real Estate; (v) no more than one property can be purchased; and (vi) the purchase must be approved by the Ministry of Finance through a court process.⁷⁰ As such, the right to purchase land in the KR-I is reported as a significant and largely insurmountable barrier to integration.⁷¹

Also relevant is Law No. 72 of 1978 on Arab Citizens' Ownership of Immoveable Properties in Iraq, which applies to non-Iraqi Arabs – including Syrians, but excluding Palestinians. This law allows foreigners who have permanent residency to own immoveable property. However, a key barrier is uncertainty regarding whether refugees' residency status is accepted in practice under this law – for example, whether a holder of an asylum seeker or refugee residency issued by KRG, will be accepted as meeting the requirements of residency.

In February 2022, the KRG issued an administrative instruction on land and property. This directed that anyone with Iraqi citizenship can buy residential property in KR-I without prior approval, although to purchase agricultural land, prior approval from KRG MOI is required. Foreign nationals of Arab countries (excluding Palestinians) may buy residential or agricultural property with prior approval from KR-I. Foreigners from non-Arab countries such as Turkey and Iran face tighter limitations, including strict approval requirements and limits on the types and quantities of property they can buy. In practice, the approval requirements may be difficult to navigate for most refugees, particularly those without relevant civil documentation.

IDPs

Article 23 of the 2005 Constitution stipulates that “every Iraqi shall have the right to own property anywhere in Iraq”, with the caveat that ownership of property for the purposes of demographic change is prohibited. In order for Arab Iraqis to purchase land in the KR-I, they must receive approval from the security and administrative departments of the relevant governorate before they can buy and register the property. In the past, non-Kurdish Iraqis who wished to buy property were prevented from registering it in their own names and instead required a Kurdish sponsor to facilitate the process of obtaining residency and buying property. However, since 2016, the KRG has facilitated the process for non-Kurds to buy property directly in the KR-I, particularly in new compounds.⁷² While there is no official reason provided for the introduction of more inclusive land ownership laws, it is likely linked to the economic crisis experienced by the KR-I since 2015, linked to lower oil prices and the rapid expansion of ISIL.

When it comes to female-headed IDP households, the Constitution of 2005 states that all Iraqis are equal before the law and prohibits discrimination based on sex (Art. 14). Similarly, Iraq's Civil Code uses gender-neutral language where it recognizes the right to private ownership of property, the ability to rent, mortgage, buy and sell. Moreover, an important pillar of Iraqi society is formed by Sharia law, which does not place any restrictions on women purchasing land from her own earnings or receiving land and other property as gifts or dowry (although there are gendered differences in terms of matrimonial assets and inheritance). However, research by NRC found that IDP and conflict-affected women in Iraq consistently report less ability to claim their housing, land and property rights.⁷³

70 RTI International, Land Registration and Property Rights in Iraq, 2005.

71 Durable Solutions Platform, 2019.

72 IOM, “Access to Durable Solutions Among IDPs in Iraq: Three Years in Displacement”, 2019.

73 Norwegian Refugee Council, “Broken Home: Women's housing, land and property rights in post-conflict Iraq,” 2020. Available at: <https://reliefweb.int/report/iraq/broken-home-women-s-housing-land-and-property-rights-post-conflict-iraq>.

2.2.2 Access to training

2.2.2a Skills development and TVET

TVET is understood as comprising education, training and skills development relating to a wide range of occupational fields, production processes, services and livelihoods. As a component of lifelong learning, TVET can take place at secondary, post-secondary and tertiary levels. It includes work-based learning, continuing training and professional development that may lead to qualifications.⁷⁴ The TVET legal and policy framework is consistent across federally administered Iraq and the KR-I for both refugees and IDPs. In Iraq and the KR-I, the Ministries of Planning are at the centre of TVET planning activities.⁷⁵ Within the broad frame of TVET, there are three specific streams: 1) vocational schools managed by the Ministry of Education; 2) technical universities managed by the Ministry of Higher Education; 3) vocational institutes run by the Ministry of Labour and Social Affairs.⁷⁶ In addition, many humanitarian agencies are active in supporting or directly providing TVET activities, including in many camps for displaced people.

Iraq has concluded a TVET Strategy (2014–2023) covering both Iraq and the KR-I, which offers a ten-year strategic plan. The strategy was developed by an inter-ministerial council with funding from the EU and support from the British Council. In 2016, the TVET inter-ministerial council – comprising representatives from the federal and KR-I Ministry of Planning, Ministry of Education, Ministry of Higher Education, and Ministry of Labour and Social Affairs, as well as the Prime Minister’s Advisory Council and other key stakeholders – drafted a law for a new TVET governance model, covering federally administered Iraq and the KR-I. The draft law established a Technical and Vocational Qualifications Framework (TVQF), quality assurance for accreditation and standards for curriculum development, as well as a structure to govern and monitor TVET led by an inter-ministerial Council (the National TVET Council).

In 2021, the Council of Ministers approved one part of the draft law: the TVQF.⁷⁷ The federal government also instructed the relevant ministries in both federally administered Iraq and the KRG to set up committees to take the steps necessary to implement this framework. At the time of writing, the remainder of the draft law has not yet been approved, and the status of the committees is unclear.⁷⁸

The draft law, the TVET Strategy, and the TVQF do not make specific references to refugees or IDPs. However, the 2015 Labour Law states that vocational training, when provided, is available to all on an equal opportunity basis, including migrant workers.⁷⁹ In both federally administered Iraq and the KR-I, TVET and vocational training are, in principle, available to everyone, meaning that the legislation is interpreted in a way that does not create any legal barrier to refugees (or IDPs) accessing TVET or skills development.⁸⁰ However, while the law does not create a legal barrier, it also does not protect the right of refugees or IDPs to access to TVET or skills development or create any specific obligation upon the government to offer those opportunities.

The level of engagement of refugees and IDPs in TVET and vocational training programmes typically relies on the extent of support from international organizations, owing to the limited budget available to MoLSA.⁸¹ TVET providers usually prefer to support Iraqi nationals living in their area rather than refugees; however, since they are reliant on international funding, it is often possible for international organizations to require TVET providers to accept refugees in order to secure the funds needed to provide TVET courses

74 UNESCO, “Recommendation concerning Technical and Vocational Education and Training.” 2015. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000245239>.

75 UNESCO, 2019.

76 Interview with Key Informant, Iraq.

77 UNESCO, “The Iraqi Council of Ministers approves the Technical and Vocational Qualifications Framework for Iraq,” 2021. Available at: worldtvtdatabase_irq_en.pdf (unesco.org).

78 Interview with key informant, Iraq.

79 Iraq – Migration Governance Indicators 2020.

80 Interview with expert at UN agency, Iraq.

81 Interview with key informant, Iraq.

or vocational trainings. As such, courses usually include a quota of refugees and IDPs alongside the non-displaced Iraqi population. There is also a clear and recognized need to improve the quality, relevance and responsiveness of the TVET system to the needs of the labour market.

There are no official frameworks for work-based learning and apprenticeships. Employers generally approach this via on-the-job training with a focus on skills training, but this does not cover issues such as a formal training agreement, cost-sharing, governance, wages or social security. Some limited opportunities for work-based learning and apprenticeships exist as the result of international funding, but these are managed on a project basis and are not integrated into any national or government framework. There is no legal barrier impeding refugee or IDP access to such programmes.

Ministry of Agriculture

The MoA also provides education seminars and training across Iraq on agricultural practices. There is no legal barrier for refugees or IDPs attending these sessions. However, as with MoLSA, a lack of resources means that the MoA is often unable to conduct outreach to refugees.⁸² Some international organizations set a condition for a minimum number of refugees and IDPs included in the sessions, as well as funding to support their participation. When this is available, the MoA engages refugees and IDPs intentionally in its training sessions.⁸³

2.2.2b Recognition of education, vocational, academic and professional qualifications

Educational and academic qualifications

Foreigners lawfully residing in Iraq have equal access to government-funded free education, under the Regulation of the Second Amendment to the Ministry of Education System (1978), including primary, secondary, and higher education. Foreign students pay the same fees as Iraqis when required, for instance for university evening classes. Iraq is a signatory to the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab States 1978, which came into force on 7 August 1981.⁸⁴ The Convention was revised in February 2022, although so far Iraq has not signed the revision.⁸⁵ The Convention has provisions on the Recognition of Qualifications held by Refugees, Displaced Persons, and Persons in a Refugee-like Situation.⁸⁶ The respective Ministry of Higher Education in federally administered Iraq and the KR-I are responsible for certifying the academic school records for refugees seeking to pursue their tertiary education studies in the region through the equalization process. Owing to the low number of refugees seeking higher education in federal Iraq, more information was available on this practice in the KR-I.

The Ministry of Education in the KR-I provides an equivalency certificate that enables refugee students to transfer to schools in Kurdistan. For a university degree, the equivalency certificate is provided by the Department of Equivalence of External Certificates within the Ministry of Higher Education. Throughout this process, Syrian student refugees are treated as foreigners, not as refugees, and must present

82 Interview with key informant, Iraq.

83 Interview with key informant, Iraq.

84 The following countries have ratified the 1981 Convention: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Tunisia and United Arab Emirates. See: UNESCO, "Evaluation of UNESCO's Regional Conventions on the Recognition of Qualifications in Higher Education", Internal Oversight Service, IOS/EVS/PI/149, June 2016. Available at: https://www.hrk-nexus.de/fileadmin/redaktion/hrk-nexus/07-Downloads/07-08-RT_Anerkennung/Evaluation_of_UNESCO_s_Regional_Conventions_on_the_recognition_of_foreign_qualifications_in_Higher_Education_Juni_2016.pdf.

85 At the date of this report, Egypt, Jordan, Lebanon, Mauritania, Morocco, Oman, Qatar and Yemen have signed the revised Convention, signalling their intention to launch the ratification process. It is now open for ratification by other Member States in the region as well as Member and Observer States of UNESCO. See: <https://en.unesco.org/news/arab-states-adopt-revised-convention-recognition-studies-diplomas-and-degrees-higher-education>.

86 Madhu Singh, "Pathways to empowerment: Recognizing the competences of Syrian refugees in Egypt, Iraq, Jordan, Lebanon, and Turkey" UNESCO, 2018.

the same identification papers and documents requested from foreigners residing in Kurdistan to the Ministry of Education, in order to process the equivalency and transfer them to local schools. This includes stamped copies of their academic history from their country of origin and a valid residency permit (such as the HRV), which can create challenges for refugees who may not have these documents and often struggle to obtain them.⁸⁷

In 2021, UNESCO, with UNHCR support piloted a project with 21 Syrian refugees living in Central and Southern governorates of Iraq to trial the UNESCO Qualifications Passport (UQP). This aims to address the situation of refugees in federally administered Iraq who do not have evidence of their secondary school certificates and therefore cannot gain entrance into university (as well as other shortcomings in documentation related to qualifications).⁸⁸ UNESCO trained several credential evaluators from the Ministry of Higher Education who conducted an interview process and an audit process. Refugees assessed as meeting the necessary standard were issued with a document called a UQP, verified by UNESCO, which authenticates the fact that this person has completed secondary schooling. To date, UNESCO is still advocating with the Iraqi Government for this passport to be accepted for entrance into university. In future, UNESCO aims for this system to be embedded in the Iraqi system of higher education.⁸⁹

Vocational and professional qualifications

The law relating to the recognition of the vocational and professional qualifications of refugees is currently evolving, and the impact of the new TVQF in this area has yet to be seen. The TVQF aims to bring all TVET and vocational training qualifications across Iraq into a single qualifications framework and also includes provisions for the assessment and recognition of foreign vocational and professional qualifications, including vocational and professional. While the framework and associated law do not include explicit reference to refugees, it is expected to apply to them alongside citizens (including IDPs) and should therefore provide a more consistent process for obtaining recognition of vocational and professional qualifications. However, given that the framework was only recently passed, it is not yet being implemented, so it is unclear what this will mean in practice.⁹⁰ The Directorate of Vocational Training and Labour within MoLSA was reported by some key informants to assess vocational training qualifications of refugees currently, however the process for doing so was unclear and appears to be not well documented. The lack of clarity around the current process is likely to act as a barrier for refugees seeking recognition of their qualifications, as they are unlikely to be able to find information about the steps they need to take. However, as the rollout of the TVQF continues, this may improve.

Recognition of Prior Learning

The TVQF includes provisions for the Recognition of Prior Learning (RPL). By providing a clear structure against which informal and non-formal prior learning can be mapped, it should lead to greater clarity and a more unified system. However, at present these provisions of the TVQF are not implemented, and there is no single system for the recognition of informal and non-formal learning.

87 Hana A. El-Ghali, Aamr Ali, and Nadine Ghalayini, "Higher education and Syrian refugee students: The case of Iraq." *Issam Fares Institute for Public Policy and International Affairs*, 2017.

88 UNESCO and UNHCR are coordinating to implement the UQP in KR-I by the end of 2022.

89 Interview with key informant, Iraq.

90 Interview with TVET specialist, Iraq.

2.2.3 Rights at work

2.2.3a Protection in the labour market and access to justice and legal services

Since the framework for protection in the labour market is similar across federally administered Iraq and the KR-I, this section presents the two areas together with any differences noted. Enjoying a legal basis for stay in Iraq is a prerequisite for the employment of foreigners in both federally administered Iraq and the KRG, including refugees and asylum seekers. This means that the right to work, protection in the labour market, and access to justice and legal services are only available to refugees who are recognized under the 1971 Political Refugees Law in federally administered Iraq, and refugees with an asylum seeker/refugee residency in the KR-I. Refugees who fall into these categories receive the same protection under the 1987 Labour Law in the KR-I and 2015 Labour Law as Iraqi citizens or other workers. Since refugees rarely, if ever, engage in public service employment (because of the ministerial approval required), this section focuses on the protection available to workers in the private sector.

The 2015 Labour Law in federally administered Iraq and the draft Labour Law for KR-I (not yet passed at the date of writing)⁹¹ regulate the employment relationships, contracts, working conditions and entitlements of workers in the private sector. The laws cover all workers in the private sector who receive remuneration for their work and apply equally to enterprises of all sizes and to all economic and occupational sectors.⁹² Workers are defined in both laws as “every natural person, whether male or female, working under the guidance, supervision and control of an employer.”⁹³ In turn, “work” covers any effort by a worker in return for a wage, whether “permanent, casual, temporary or seasonal”, although in federal Iraq, the protective provisions for part-time workers only cover workers whose normal hours of work are between 12 and 24 hours per week on a pro-rata basis.⁹⁴ “Wage” is defined to include “any amount or benefit due to a worker in return for any work performed”⁹⁵ and the definition of “employer” in the Labour Laws is also broad, covering “any natural person or legal entity who employs one or more workers in return for a wage of any kind”.⁹⁶ The laws further place the burden on the employer to prove or disprove the existence of an employment relationship in the absence of a written contract.⁹⁷ This means that self-employed workers and unpaid workers are excluded from the Labour Law provisions, since they do not meet the respective definitions of “worker” or “work”.

These guarantees ensure that all workers in paid employment in the private sector are covered by the law. Protections include gender equality and prohibition of discrimination and harassment in the workplace, paid maternity leave, limits on working hours, protection for termination of employment, and others. The 2015 Labour Law and draft Labour Law for KR-I provide a range of mechanisms for settling disputes and employment-related claims. In both laws, it appears that efforts have been made to simplify dispute resolution processes and ensure greater accessibility to workers, including through fee waivers.⁹⁸

91 The authors do not have access to the draft Labour Law for the KR-I. The specifications included in this report are taken from ILO, “A diagnostic of the information economy in Iraq,” 2021, which directly reviewed the draft Labour Law.

92 Labour Law No. 37 of 2015, Article 3; Draft Labour Law (KR-I) Article 3.

93 Labour Law No. 37 of 2015, Article 1(6); Draft Labour Law (KR-I), Article 1(9).

94 The draft Labour Law for KR-I provides stronger provisions for part-time work, which guarantee all rights, benefits and obligations under the Labour Law on a pro-rata basis for those who work regularly less than full-time. See: Draft Labour Law (KR-I), articles 1(16) and 36.

95 Labour Law No. 37 of 2015, Article 1(14); Draft Labour Law (KR-I), Article 1(12).

96 Labour Law No. 37 of 2015, Article 1(8).

97 Labour Law No. 37 of 2015, Article 37(4); Draft Labour Law (KR-I), article 34(4).

98 The laws require employers to establish an appropriate internal mechanism to deal with employee complaints, and employees can also submit complaints to relevant Iraqi labour authorities, such as the Labour Inspection Committee (under the supervision of the Ministry of Labour and Social Affairs), the End of Service Committee or the relevant labour court. See: Labour Law 2015, Chapter 16; Draft Labour Law KR-I, chapter 16.

Neither the Labour Law nor the draft Labour Law for KR-I are restricted in their application to Iraqi citizens. Rather, they explicitly aim to “regulate the work of foreigners working or wishing to work in Iraq”, and they apply to “all workers in the Republic of Iraq”.⁹⁹ As such, provided they meet the definition of “worker” and “work” described above (in particular, that they are not self-employed or undertaking unpaid work) then the Labour Law provisions do apply to refugees. In practice, this will refer to those who have a valid residency permit (such as the PC-MoI card or the asylum seeker/refugee residency issues by KRG) since this is a prerequisite for obtaining the work permit required to work for an employer. The laws further prohibit discrimination on the basis of race, colour, sex, religion, religious community, opinion or political belief, origin or nationality.¹⁰⁰ Unpaid workers and the self-employed are not covered clearly by the labour law since neither group fits the definitions of worker and employer. As such, they are implicitly excluded from the protection granted by this law, which is likely to include a large share of women and refugee workers. It is difficult to see how daily workers or workers on very short-term employment would benefit practically from most provisions of the laws. In practice, most people who engage in daily work do so out of necessity rather than choice, and working conditions are usually poor, the work tends to be physically demanding and opportunities are unstable.¹⁰¹ Refugee employment in the KR-I, for instance, is typically limited to jobs and occupations in the private sector that do not require additional documentation: professions such as dentists, pharmacists, lawyers and taxi drivers require specific professional certificates that are not always possible to present or evaluate, and often prevent refugees who are otherwise qualified from accessing jobs in their former profession.¹⁰²

MoLSA periodically conducts labour inspections to monitor compliance with the Labour Law (in both federal Iraq and the KR-I, respectively), although limited data could be identified regarding the outcome of those inspections and their impact on refugees. Both the Federal Labour Law and Draft Labour Law for KR-I stipulate that any person or party who violates the provisions of the Labour Law governing Foreign Workers Employment will be subject to penalties.¹⁰³ This provision, including “any person or party”, is assumed to include foreign workers themselves. This is not in conformity with ratified ILO Convention No. 143 (Article 6), which calls for the imposition of penalties on those who organize or facilitate irregular movements and unauthorized employment, not for the workers themselves. The inclusion of penalties for foreign workers themselves could create a situation or environment that makes it less likely that migrant workers or refugees will complain to the authorities about exploitative working conditions or irregular employment.¹⁰⁴

Article 41 of the 2015 Labour Law states that employers are obliged to provide an appropriate system to deal with workers’ complaints and grievances, facilitate the access and use of such a system, treat immediately and positively the lodged complaints without exposing the workers who submitted these complaints to any sanctions. No information could be obtained about the prevalence of such mechanisms or how they function in jobs held by refugees.

99 Labour Law No. 37 of 2015, articles 2 and 3; Draft Labour Law (KR-I), article 2.

100 Labour Law No. 37 of 2015, articles 30 and 31; Draft Labour Law (KR-I), Article 28.

101 Ground Truth Solutions, 2021.

102 ILO, 2021.

103 Labour Law No. 37 of 2015, Article 36 – violators are subject to a fine of between three times the workers’ daily wage and three times the worker’s monthly wage. Draft Labour Law (KR-I), Article 33, stipulates that any violator shall be subject to imprisonment for a period of no less than one month and no more than six months, and a fine of no less than 500,000 Iraqi dinars and not more than 1,000,000 Iraqi dinars.

104 ILO, 2021.

2.2.3b Freedom of association

Article 42 of the 2015 Labour Law recognizes the right of all workers to form unions (with the exception of civil service employees, as well as security and police forces), to bargain in order to improve the work terms and conditions, and to strike. This right extends to refugees who meet the Labour Law's definition of worker (namely, those who are not self-employed) and work (namely, those who are engaged in paid work).

However, in both federally administered Iraq and the KR-I, freedom of association and trade unions are still governed by the Union Assembly Law (No. 52 of 1987), as no new law on trade unions has been adopted since the introduction of the 2015 Labour Law. This Union Assembly Law significantly restricts and limits the formation of independent and representative unions in Iraq, their participation in social dialogue and formal and informal mechanisms for the oversight and enforcement of the law. Interference in the activities of trade unions is also common.¹⁰⁵

Although Union Assembly Law No. 52 (1987) supports the creation of new trade unions, the poor economic situation facing the private sector, as well as the limited availability of formal employment, is not conducive to fostering a stronger or more diverse trade union environment. While unions do exist, they typically organize informally. There are no collective bargaining agreements in Iraq.¹⁰⁶ In 2018, Iraq completed the ratification process for Convention 87 on Freedom of Association and Protection of the Right to Organize, and the ILO is currently collaborating with the government of Iraq as well as trade unions to draft a new trade union law that would align with the standards set out in Convention 87, particularly as they relate to respect for freedom of association, the ability for all workers to join trade unions (including public sector employees), and the right to organize without interference or retaliation, applicable to both the private and public sectors.¹⁰⁷

Foreign workers – including refugees – are not recognized in the Union Assembly Law (No. 52 of 1987) and as such, it is unclear whether they have the right to join existing unions. According to a labour lawyer interviewed for this study, participation in unions for foreign workers should be possible based on a reciprocal arrangement, meaning that nationals whose countries allow Iraqis to join unions¹⁰⁸ are also allowed to join trade unions in Iraq;¹⁰⁹ however, the law or written policy on this is unclear. According to a 2019 submission to the Universal Periodic Review, there is no representation of foreign workers in labour unions, whether in existing unions or via their own unions.¹¹⁰ All key informants interviewed for this report agreed they had never heard of refugees joining a trade union in either federal Iraq or the KR-I, which reiterates the absence of clear law in this respect. As such, it appears that in practice, the gap in the 1987 Union Assembly Law is undermining the rights established by the 2015 Labour Law.

105 Iraqi Civil Society Solidarity Initiative. Worker Rights and Freedom of Association. 2020.

106 Interview with expert at UN agency, Iraq.

107 Interview with expert at UN agency, Iraq.

108 According to an ILO Syria Labour Inspection Audit (2009), all Arab workers in Syria, from both the public and the private sectors, may join the trade unions, but foreign, non-Arab workers may do so only if they have been working in Syria for more than a year and if the Syrians in their countries have equivalent treatment. See: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_240156.pdf.

109 Interview with legal expert/lawyer, Iraq.

110 Rights and Freedoms Alliance, "The reality of freedoms of labour union and social securities and the rights of foreign laborers in Iraq: A presented report within the Stakeholders' Reports, Universal Periodic Review, Iraq," 2019. Available at: <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6742&file=EnglishTranslation>

2.2.3c Freedom of movement

Refugees in federal Iraq

Freedom of movement for refugees is contingent upon the type of recognition or residency permit they obtain. Refugees in federally administered Iraq who are recognized under the 1971 Political Refugee Law can use their registration card issued by PC-MoI to move within the governorates of federal Iraq. However, technically, refugees may leave their place of residence to move within Iraq following the approval of the Director of the Office of Political Refugee Affairs, and the MoI has the authority to determine and change the place of residence of refugees when necessary.¹¹¹

The federal authorities restrict the movement of refugees and asylum seekers who fall outside the 1971 Law – such as asylum seekers and refugees who possess KRG-issued asylum seeker/refugee residency, who are not entitled to move beyond the KR-I without prior authorization, and Syrians who are classified as “displaced persons” by the MOI and are limited to residence in one governorate. As one example of this restriction in practice, in 2018 the MoI (Directorate of Deportation and Removal/Residency Department) issued a letter to the Civil Status, Passport and Residency Department in the KR-I stating that the Directorate had observed that some Syrian asylum seekers in the KR-I had become displaced to other governorates in federal Iraq (outside the KR-I), and that Syrian refugees should not be allowed to leave the camps, and any movement would be a violation leading to detention and return to the camps.¹¹² However, there is no in-camp policy applied by the KRG to refugees in the KR-I.

Refugees in the Kurdistan Region of Iraq

The lack of reciprocity and recognition of residency status between the KR-I and the federal government means that refugees recognized by the KR-I continue to experience mobility restrictions. While refugees who hold an asylum seeker/refugee residency issued by the KRG may move within the KR-I, they cannot enter federally administered Iraq without prior authorization. This is of particular concern for refugees who are unable to find employment in KR-I and wish to search for better opportunities in the south and central governorates of Iraq. Current processes place the administrative burden on refugees to obtain the documentation necessary to reside in the KR-I and/or federal Iraq – meaning that they must obtain a PC-MoI card if in federal Iraq or an asylum seeker/refugee residency if in the KR-I (according to the process set out in section 2.2.1a), rather than putting in place a reciprocal arrangement for recognition of the different residency permits. Attempting to travel from KR-I to federal Iraq without proper documentation or clearance may result in arrest, detention and possible deportation. UNHCR has been advocating with both authorities in this regard.

IDPs

Across governorates in central and southern Iraq (outside the KR-I), persons from ISIL-held or conflict-affected areas typically require a sponsor from the neighbourhood in which they intend to reside, as well as a support letter from the local mukhtar.¹¹³ Once residency is granted, as Iraqi citizens they have the right to work, with conditions governed by the 2015 Labour Law (37/2015).

Ethnic Iraqi Arabs and Turkmen not originating from the KR-I, including persons from formerly ISIL-held or conflict-affected areas, can enter the KR-I without a sponsor, and are typically provided with a temporary entry authorization valid for 30 days. However, the holder of such authorization is unable to rent a house or secure regular employment. In order to stay longer than 30 days, rent an apartment or secure employment, applicants are required to provide valid civil documentation as well as a support letter from a local authority such as the mukhtar, and in some cases a sponsor may be required by the

¹¹¹ See articles 2 and 15(1) of the Political Refugee Act.

¹¹² Abdullah Omar Yassen, “The Prospects for Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq: A Case Study of Erbil Governorate Camps,” *Refugee Survey Quarterly*, 38, pp. 448–469, 2019.

¹¹³ UNHCR, “Relevant Country of Origin Information to Assist with the Application of UNHCR’s Country Guidance on Iraq,” 2021. Available at: <https://www.ecoi.net/en/file/local/2043432/5ffc243b4.pdf>.

local authorities. In addition, security clearance from relevant security agencies is needed, and Sunni Arabs and Sunni Turkmen from formerly ISIL-held or conflict-affected areas may be denied security clearance or run the risk of arbitrary arrest and detention under the Anti-Terrorism Law of 2005 (Law No. 13 of 2005) on the basis of broad and discriminatory profiling.¹¹⁴ Renewal of temporary residency permits is arbitrarily implemented during the approval process for a permanent residence, often affected by the applicant's background and place of origin.¹¹⁵ Individuals with a residency card can apply to bring their family members to Kurdistan, send their children to public school, access public hospitals and apply for jobs. However, when there is a change in their job, they have to go to the relevant Residency Office (in Erbil, Dohuk, or Sulaymaniyah) to update their "profile", in accordance with their new job and sponsor.

2.2.3d Social security and protection

At present, social protection for workers who are not civil servants is extremely limited. Workers in the private sector are covered by social insurance under the Social Security Law No. 39 of 1971. Although the law provides for comprehensive social security benefits, including for sickness and maternity, only the pensions system is currently accessible to private sector workers. There are large coverage gaps, with only about 48 per cent of the total labour force contributing to and covered by contributory social security systems (World Bank, 2018b).¹¹⁶

Table 1 provides a summary of existing social protection coverage.¹¹⁷

► **Table 1. Current scope and coverage of social protection in Iraq**

	Family benefits	Work injury	Unemployment	Sickness	Maternity	Disability	Survivor	Old age	Health care	In-kind support
Public sector workers (civil servants)	Social insurance	Social insurance	No provision	Social insurance	Social insurance	Social insurance	Social insurance	Social insurance	Public provision	Public Distribution System (quasi-universal)
Private sector employees	No provision	Social insurance		No provision	Employer liability	Social insurance	Social insurance	Social insurance		
Self-employed	No provision	No legal coverage		No provision	No legal coverage	No legal coverage	No legal coverage			
Unpaid workers		No legal coverage		No legal coverage	No legal coverage	No legal coverage				
Economically inactive	Social Safety Net (poverty targeted)	n/a		n/a	No provision	No provision	No provision	No provision		

114 UNHCR, "International Protection Considerations with Regard to People Fleeing the Republic of Iraq", May 2019.

115 Danish Immigration Service, "The Kurdistan Region of Iraq (KR-I), Access, Possibility of Protection, Security and Humanitarian Situation", report from fact-finding mission to Erbil, the Kurdistan Region of Iraq (KR-I) and Beirut, Lebanon, 26 September to 6 October 2015, April 2016. Available at: <https://www.refworld.org/docid/570cba254.html> (accessed 31 August 2021).

116 "Iraq Economic Monitor: From War to Reconstruction and Economic Recovery." Available at: <http://documents.worldbank.org/curated/en/771451524124058858/pdf/125406-WP-PUBLICIP163016-Iraq-Economic-Monitor-text-Spring-2018-4-18-18web.pdf>.

117 ILO, 2021, p. 31.

A draft Pension and Social Security Law currently before the Iraqi Parliament addresses in particular the rights of workers in the private sector.¹¹⁸ The KRG has also drafted a new Social Security Law for Private Sector workers with many of the same provisions as the one in federal Iraq, although it is yet to be finalized.¹¹⁹ Under the draft Law on Pension and Social Security of 2016 (and to a large extent, the draft law proposed for the KR-I) all workers covered by the Labour Law of 2015 are to be enrolled and insured in all branches of social security, including health. This means that refugees who are employed under the conditions of the 2015 Labour Law (see above – this includes possessing valid residency and work permit) would in theory be covered by the proposed Pension and Social Security Law. Enterprise registration is a precondition to enrolment of workers in social security. At present, 95 per cent of business establishments surveyed in a 2020 study by Fafo/ILO/CLCI report that they are not registered with the relevant authorities.¹²⁰ As such, barriers to enterprise formality need to be overcome to improve social security coverage for employed workers.

The draft law also attempts to cover the informal economy, including informal workers who are defined as “a group of individuals and small enterprises producing goods or providing services and operating for their own account without a licence”.¹²¹ This definition covers self-employed workers who are not already covered by the Labour Law of 2015. The provisions in Chapter 10 of the draft law introduce a range of measures intended to extend social security to self-employed workers who are not covered by the Labour Law of 2015 through a subsidized voluntary insurance. The scope of optional or voluntary coverage concerns only pension insurance, not other branches of social security, such as maternity, health and disability,¹²² and voluntary coverage is not deemed adequate for the ILO based on the standards set out in the Social Security (Minimum Standards) Convention, 1952 (No. 102). The conditions for access to optional coverage to employers, self-employed or persons working outside Iraq are laid out in Article 72 of the draft law and include: (1) an age requirement of not being older than 45 at the time of enrolment; (2) medical fitness; and (3) adherence to contribution rates as stipulated in the law. Theoretically, this would be available to refugees as self-employed workers or employers. Two issues that are unclear in the draft laws that are relevant to refugees and IDPs are: (1) portability of benefits earned abroad, which is particularly important for Iraqi refugees returning to Iraq; and (2) whether periods of employment in federal Iraq will count towards employment in the KR-I and vice versa.

The health system is a public system, which means that refugees are technically covered by the system whether they pay into it or not. However, owing to unsustainable spending patterns, the government of Iraq is considering whether to reduce coverage and implement a system that is contribution-based. This would jeopardize access to healthcare for economically vulnerable people such as refugees.¹²³

IDPs

IDPs are entitled to the same rights as other Iraqi citizens; however, if they are missing civil documentation, they will face challenges accessing these rights. For example, Iraqis are entitled to access basic rations through the public distribution system (PDS), but access to the PDS requires possession of a PDS card. In order to obtain, renew or replace a PDS card, each person must provide documentation (such as national ID), and IDPs who are missing civil documentation may find it costly or burdensome to replace, and may therefore be unable to access their PDS card. Efforts to reform the PDS – one of the largest social protection schemes in the world – have been underway to make the programme more targeted towards the needs of the most vulnerable.

118 The authors do not have access to the draft Pension and Social Security Law. The specifications included in this report are taken from ILO, 2021.

119 ILO, 2021.

120 Draft Law, Article 1(19).

121 Draft Law, Article 1(19).

122 ILO, 2021.

123 Key informant interview, Iraq.

2.2.4 Naturalization pathways open to refugees

Iraqi citizenship can only be granted by the federal government as one of its exclusive powers. Naturalization in Iraq is very complex and largely unattainable for refugees. Article 6 of the 2006 Nationality Law provides for naturalization, with several conditions: that the persons entered Iraq legitimately, have lived in the country for ten continuous years, have no serious health issues and can support themselves financially.¹²⁴

Another challenge for the naturalization of refugees is found in Article 6(3), which provides that Iraqi nationality “shall not be granted for the purposes of population settlement policy prejudicial to demographic composition”,¹²⁵ reflecting the concern with demographic change or manipulation that has preoccupied Iraq for decades. This provision means that the Minister has a discretionary power to accept or reject naturalization, whether the conditions in the Nationality Law are met or not. Given that the majority of refugees from Syria, Iran and Turkey have Kurdish origins, it seems likely that this provision may affect them (and exclude them from naturalization) because of demographic change fears.

▶ 2.3 Gaps in legislation, policies and regulatory frameworks

2.3.1 Gaps in access to labour markets

2.3.1a Legal identity and right to work

The most significant gap is the absence of a comprehensive legal framework pertaining to the status of refugees in Iraq. Without a uniform and approved law, refugees face different standards of treatment and there is no consistency in terms of rights and entitlements. The legal position of refugees is determined by their location (whether in federal Iraq or the KR-I) and how they entered the country. Refugees in federal Iraq face the risk of detention for illegal entry, as well as arbitrary treatment stemming from the shortcomings of the 1971 Political Refugee Law. In the KR-I, while the legal and policy environment enables refugees to reside and work, the KRG has relied on its internal powers to regulate the issue of access to the labour market, and this is subject to the enduring benevolence of the KRG and stable relations between the KR-I and the federal government. As such, there is little guarantee for long-term economic inclusion.

Working together with the UNHCR, the MoI has tabled an updated bill to replace the 1971 Political Refugee Law, which intends to expand the categories of persons recognized as refugees to make it consistent with the 1951 Refugee Convention. However, Parliament rejected the bill in December 2020 and it is currently under discussion and possible amendment.¹²⁶ Since PC-MoI is the only body with authority to conduct refugee status determination, humanitarian agencies are advocating that PC-MoI issue a card to all those recognized refugees in the KRI, which would also enable refugees in the KR-I to move freely to federally administered Iraq and work legally there. Aside from reforming the federal system for recognizing refugee status and legal residency (which would incorporate an automatic right to work), the draft Labour Law that is currently under consideration by Parliament in the KR-I may also strengthen formal recognition of refugee access to the labour market. However, it remains under review and is not ratified.¹²⁷

124 Iraqi Nationality Law 2006, *Iraqi Official Gazette* 4019, No. 26, Article 6, 7 March 2006. The translated legislation is available at: <http://www.refworld.org/pdfid/4b1e364c2.pdf>.

125 Article 6, subsection III of the Nationality Law.

126 Interview with legal expert, UN agency, Iraq.

127 Interview with specialist at UN agency, Iraq.

2.3.1b Right to start, improve, and register a business

Refugees can register and open a business; however, under the main governing legislation, Companies Law No. 21 of 1997 (as amended in 2004), they are treated as foreigners. This means that refugees are subject to the same conditions as other foreigners, including legal residence and civil documentation (among others). The PC-MoI card and the KRG-issued asylum seeker/refugee residency are accepted as forms of legal residence in federally administered Iraq and the KR-I respectively, but these often involve lengthy processing times. Refugees who do not have access to their civil documentation may also face a barrier, since this is typically required for registration.

2.3.1c Cooperatives

There appears to be no specific protection for refugees and IDPs in terms of joining or forming cooperatives. As such, the same laws that apply to other foreigners and Iraqi citizens apply.

2.3.1d Access to finance and financial services

Although no specific legal barrier exists, refugees struggle in practice to open bank accounts, owing to what appears to be a consistent policy of banks and financial institutions. As such, the absence of explicit legislation or regulation recognizing the right of refugees to open a bank account appears to enable banks to refuse to do so. This may be an impediment to registering and operating a business, accessing social security and obtaining a loan. Mobile money is available to refugees, thanks to a special provision from the Central Bank of Iraq that permits refugees to have SIM cards to allow them to open temporary wallets and receive cash transfers. A second gap is that there is also no flexibility in loan processes available to refugees who are generally unable to meet the guarantor conditions.

2.3.1e Employment services

Article 19 of the 2015 Labour Law states that the Employment Office of the Labor Service shall provide employment services for workers, the unemployed and the employers, free of charge and according to the available opportunities. For those refugees who are covered by the Labour Law, there is no legal impediment preventing them from accessing employment services. However, refugees are required to possess valid residency (such as PC-MoI card or KRG-issued asylum seeker/refugee residency) which means that during the lengthy processing time, they cannot access these services.

2.3.1f Right to own and rent land

There is no specific law permitting refugees to own or rent land; rather, they are governed by the existing laws that apply to foreigners. This lack of specific legal protection means that in practice, refugees can typically rent but not own land, and they face shortcomings in rental conditions. IDPs living outside their own governorate face similar challenges – despite being Iraqi citizens, and therefore in principle able to buy property on the same terms as any Iraqi.

2.3.2 Gaps in access to training

2.3.2a Skills development and TVET

There is no legal impediment to refugees accessing TVET opportunities. However, the TVET strategy, TVQF and the draft law on TVET governance do not include specific provisions for refugees. As such, their ability to access skills development and TVET is subject to issues such as resource limitations, reliance on international actors for funding, and limited availability of places.

2.3.2b Recognition of educational, academic, vocational and professional qualifications

For academic qualifications, the Ministry of Education and Ministry of Higher Education provide equivalency certificates. However, a gap exists in that throughout this process, refugees are treated as foreigners, which means they must present academic transcripts and other documentation, which many refugees do not have. A pilot “UNESCO Qualifications Passport” managed by UNESCO offers a promising way to recognize the academic history of refugees who do not have access to their academic transcripts; however, so far it has not moved beyond a pilot and remains in negotiation with the relevant ministries for recognition.

There does not seem to be a consistent system for recognizing education and qualifications at present, and knowledge on how to do this among key stakeholders and refugees was poor. The recently passed TVQF is intended to compensate for this gap and provides a structure through which refugees should be able to have their professional and vocational qualifications recognized. Although the framework does not mention refugees specifically, it is intended to establish a process for assessing and recognizing foreign qualifications and thus should cover refugees. However, implementation of the framework is still in very early stages, and it is not yet clear how this will function in practice.

Similarly, for the recognition of prior learning, there is no established system at national level at present – although this should improve with the implementation of the TVQF. As such, the process may vary somewhat between different providers and across different types of TVET, such as vocational training, vocational education, tertiary technical education, and for those seeking direct entry into the labour market. The present fragmented and unclear system may act as a barrier for refugees and displaced people seeking recognition of informal and non-formal learning.

2.3.3 Gaps in rights at work

2.3.3a Protection in the labour market and access to justice and legal services

One significant gap is that although the federal government instituted the new Labour Law in 2015, the KRG has not yet ratified the updated law, although an amended version remains before the Kurdistan Parliament. Refugees who are in formal, paid employment are covered by the 2015 Labour Law and thus should have access to the protection and grievance mechanisms it establishes. However, no information could be obtained about specific mechanisms. A common issue faced by Syrian refugees in the KR-I is working longer hours for lower wages than the local population, and many refugees are at risk of exploitation from employers.¹²⁸ This suggests that employment protection, as it currently exists, is insufficient, and/or insufficiently enforced. Moreover, both the Federal Labour Law and draft Labour Law for KR-I stipulate that any person or party who violates the provisions of the Labour Law governing “Foreign Workers’ Employment” will be subject to penalties.¹²⁹ This provision, including “any person or party”, seems to include foreign workers themselves. This is not in conformity with ratified ILO Convention No. 143 (Article 6), which calls for the imposition of penalties for those who organize or facilitate irregular movements and unauthorized employment, not for the workers themselves. The inclusion of penalties for foreign workers themselves could create a situation or environment that makes it less likely that refugees will complain to the authorities about exploitative working conditions or irregular employment.¹³⁰

128 Abdullah Omar Yassen, “The Prospects for Durable Solutions for Syrian Refugees in the Kurdistan Region of Iraq: A Case Study of Erbil Governorate Camps,” *Refugee Survey Quarterly*, 38, pp. 448–469, 2019.

129 Labour Law No. 37 of 2015, Article 36 – violators are subject to a fine of between three times the workers’ daily wage and three times the worker’s monthly wage. Draft Labour Law (KR-I), Article 33, stipulates that any violator shall be subject to imprisonment for a period of no less than one month and no more than six months, and a fine of no less than 500,000 Iraqi dinars and no more than 1,000,000 Iraqi dinars.

130 ILO, 2021.

2.3.3b Freedom of association

Under Article 42 of the 2015 Labour Law, refugees who meet the definition of worker (namely, those who are not self-employed) and work (namely, those who are engaged in paid work) have the right to form and join a union, as well as to bargain to improve work terms and conditions, and to strike. However, in both federally administered Iraq and the KR-I, freedom of association and trade unions are still governed by the Union Assembly Law (No. 52 of 1987), as no new law on trade unions has been adopted since the introduction of the 2015 Labour Law. Foreign workers – including refugees – are not recognized in the Union Assembly Law (No. 52 of 1987), and as such it is unclear whether they have the right to join existing unions. There was consensus across key informants and secondary literature that refugees are not represented in unions, which suggests that the lack of clarity in the 1987 Union Assembly Law is creating a barrier to the right to freedom of association. In addition, the Union Assembly Law significantly restricts and limits the formation of independent and representative unions in Iraq and their participation in social dialogue and formal and informal mechanisms for the oversight and enforcement of the law.

2.3.3c Freedom of movement

The lack of national refugee framework means that refugees do not have freedom of movement between the KR-I and federally administered Iraq. Only refugees recognized under the 1971 Political Refugee Law have the ability to move (relatively) freely around Iraq (although they cannot reside legally in KR-I). The vast majority of refugees reside in the KRG, entered Iraq illegally, and do not meet the narrow grounds set out in the 1971 Law, and thus, despite obtaining a KRG-issued asylum seeker/refugee residency, remain at risk of arrest, detention and possible deportation should they venture outside the KR-I to other areas of Iraq, without prior authorization.

2.3.3d Social security and protection

The current social security system does not cover foreigners (unless they are employees) or the informal sector. Refugees are omitted because they are non-Iraqis and also because the vast majority work in the informal sector. The new federal law on social security, which is currently before the parliament, is more inclusive, more detailed and hopefully more sustainable. The draft KRG law also offers much greater inclusion and many similarities to the federal law, although it is not in such an advanced stage. It will be vital to ensure that any future reform to the social security system is applicable in the KR-I and not only in federally administered Iraq. A second, related issue is that there is often little incentive for employers or self-employed individuals to sign up. At present, some people must contribute as much as 20 per cent of their income to be covered, and this high proportion deters both employers and employees from signing up. Separate from the law, it will be necessary to design the social security system in a way that is beneficial to participants while still being financially sustainable. Subsidization and flexibility for the new social security system appears a key element of ensuring that people will be willing to pay into it and even consider entering it, although this needs to be balanced with the longer-term financial health of the social security system, to ensure adequate contributions or reserves to cover benefits for members.¹³¹

2.3.4 Gaps in naturalization

While the legal framework includes some legal protection for refugees, it does not provide a means towards naturalization,¹³² as there is no clear legal pathway offered to refugees to obtain Iraqi citizenship.¹³³ The conditions that are set out in the legislation – including legitimate entry to Iraq and approval by the MoI – mean that in reality, naturalization is out of reach for the vast majority of refugees.

¹³¹ Interview with key informant, Iraq.

¹³² Adnan Qadir, "Legal Status of Asylum Seekers and Refugees in Iraq and Kurdistan Region of Iraq," *The Scientific Journal of Cihan University – Solemani* 3(2), December 2019.

¹³³ Hewa Haji Kehdir, "IDPs in the Kurdish Region of Iraq: Intractable Return and Absence of Integration of Policy," 2020.

► 2.4 Practice of legislation, policies and regulatory frameworks

2.4.1 Access to labour markets

2.4.1a Legal identity

As of July 2022, 263,783 Syrian refugees (63.9 per cent urban, 36.1 per cent camp) and 39,225 refugees of other nationalities resided across Iraq, with more than 95 per cent of Syrian refugees located in the KR-I. Given the very small number of refugees residing in federal Iraq, this section focuses on the experience of refugees living in the KR-I. Nonetheless, many of the challenges faced by refugees in the KR-I may also be relevant to refugees in federally administered Iraq.

Some refugees complained that the administrative process of obtaining a KRG-issued asylum seeker/refugee residency took a long time because of the delay in obtaining a security clearance, and they were not able to legally work until they received it. A recent study by NRC highlights the fact that authorities in KRI impose fines of 20,000 IQD (USD14) for each day that a residency permit is late for renewal. In practice, fee waivers are applied when the delay is due to a delay to renew the UNHCR certificates. However, refugees may not be aware and discouraged to approach due to fear of fees on top of existing costs (transport, blood test, etc.).¹³⁴ Some refugees gave up hope that the said residency would be granted – these frustrations appeared more likely with non-Syrian refugees whose security clearance may take a longer period to process compared with most Syrian refugees. Others hoped that the residency could be extended to three years to enable greater stability.¹³⁵

2.4.1b Right to work and mechanisms governing access to labour markets

Both the PC-MoI card and the KRG-issued asylum seeker/refugee residency permit refugees to work in the private sector (in federal Iraq and the KR-I, respectively), with the exceptions of professions that require specific educational and technical qualifications (as discussed in section 2.2.1b). In practice, obtaining a job with an employer is extremely difficult and rare because of the labour market conditions that exist in Iraq as well as social prejudice that exists against refugees.

There are very few job opportunities available in the labour market in the KR-I (discussed in more detail in section 2.1.2) and this is exacerbated for refugees and IDPs, many of whom are excluded from the job market. Those jobs which are available are often unskilled, precarious and low paid, and usually in the informal economy. Refugees and IDPs report that more attractive and better paid jobs – especially public-sector roles – go to host community members first. Additional practical barriers make it difficult to access employment – for instance, transport costs can be prohibitive, and some, particularly women, report being limited by household responsibilities such as caring for children or sick relatives. Others highlighted language barriers between Arabic and different dialects of Kurdish, while some also noted the psychological barriers of unresolved trauma and mental health issues brought on by their experiences during displacement and at the hands of ISIL.

¹³⁴ NRC, “Closing the Gap from Work Rights to Decent Work for Syrian Refugees in KRI.” 2022. Available at: <https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf>.

¹³⁵ Interview with refugee, Dohuk, Iraq.

Jobs that are available to Syrian refugees in KR-I are mainly in the informal economy, irrespective of what they try to do and the skills or qualifications they might have.¹³⁶ Despite KR-I's policy of allowing registered refugees to work, it is still difficult for refugees to find employment in the formal sector, and the majority working are employed within the informal sector.¹³⁷ A 2015 study suggested there were similar rates of participation in the labour force for both refugees and host community members;¹³⁸ however, the type and quality of jobs varied significantly between refugees and the host community. A significant proportion of refugees were exposed to severe underemployment and worked in unskilled positions, independently of their set of skills or qualifications.¹³⁹ Those interviewed for this study were usually working as daily workers. For men, daily work usually entailed construction, agricultural labour or catering, while women were more likely to work in shops, cleaning, women's hairdressing and tailoring or sewing. Many reported that the wages offered are not enough to cover daily needs.¹⁴⁰ Some refugees and IDPs living in camps reported that humanitarian organizations sometimes recruit skilled residents for roles such as teaching in camp schools.

Although Syrian refugees have the legal right to work in the KR-I, some refugee respondents in and out of camps felt that they were denied jobs because of their status as refugees.¹⁴¹ There are also legal barriers to some professions such as dentists, pharmacists, lawyers and taxi drivers, related to registration. In addition, some refugees are unable to provide identity documents and/or other personal documentation such as marriage certificates, travel documents (passports), or school and university papers required by employers.¹⁴² Lack of skills or experience is another barrier to employment, particularly for youth who arrived in 2012 aged 13 but who are now adults.¹⁴³ Some key informants highlighted that many refugees are qualified but are only hired in low-skill jobs because of lack of access or lack of recognition of qualifications by employers.¹⁴⁴

Respondents for this study highlighted that nepotism in hiring practices often puts IDPs and refugees at a disadvantage. A 2018 study found that it is rare for companies to employ people who are not already known to them. Refugees are particularly disadvantaged because of more limited networks and lack of *wasta*¹⁴⁵ as they are from outside the region or area and therefore have fewer connections to mobilize to secure employment.^{146, 147, 148} In addition, for ethno-sectarian minorities, such as the Yezidis, living in the KR-I or areas under the de facto control of the Kurdish authorities, access to public sector jobs is often conditioned on support for the aims of the major Kurdish political parties.¹⁴⁹ Displaced women reported being more affected than male respondents by the lack of networks and the lack of qualifications when

136 Key informant interview with expert at UN agency.

137 In a 2014 study, 80 per cent of refugee households reported having someone employed in the informal sector. See: Save the Children, "Assessment of Youth Labour Market and Entrepreneurship Opportunities in the KRG," 2014.

138 Overall, 32 per cent of the population between the ages of 16 and 59 in both communities were employed (57 per cent of the adult male population and 6 per cent of the adult female population).

139 UNDP and MERI, "Pathways to Resilience for Syrian Refugees Living in Camps in the Kurdistan Region of Iraq," 2015. Available at: https://www.iq.undp.org/content/iraq/en/home/library/crisis_prevention_and_recovery/undp-meri-report--pathways-to-resilience-for-syrian-refugees-liv.html.

140 Interview with IDP in Iraq.

141 REACH, "Iraq: Assessment on employment and working conditions of conflict-affected women across key sectors – final report," 2019. Available at: <https://reliefweb.int/report/iraq/iraq-assessment-employment-and-working-conditions-conflict-affected-women-across-key>.

142 Syrian Civic Platform, "Syrian Refugees in the Kurdistan Region of Iraq Situation Report," 2018. Available at: http://www.scplatform.net/en/wp-content/uploads/2018/03/SCP_Syrian-Refugees-in-the-KurdistanRegion-of-Iraq.pdf.

143 Durable Solutions Platform, 2021.

144 Durable Solutions Platform, "Far from Home: Future Prospects for Syrian Refugees in Iraq," 2019. Available at: <https://bit.ly/2IQEkGd>.

145 *Wasta* is an Arabic word that loosely translates into nepotism, clout, or who you know.

146 Durable Solutions Platform, 2019.

147 Search for Common Ground. Resilient Communities: Supporting Livelihood, Education and Social Stability for Syrian Refugees and Host Communities. 2017.

148 REACH, 2019.

149 Minority Rights Group International (MRGI), "Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) - Review of the Periodic Report of Iraq," 2018. Available at: <http://bit.ly/2VKsoYo>, para. 18.

accessing employment.¹⁵⁰ While not specific to refugees, a study conducted by the World Bank on women's employment in KR-I found that hiring discrimination was common in the private sector, with employers favoring male applicants with equivalent qualifications to female applicants.¹⁵¹

Some refugees reported that they found work more easily through other foreign employers. One interviewee explained how his employer, a Syrian foreigner, not only hired him but also provided in-house training on some skills. There are also some NGOs that support refugees to obtain employment and will try to sign an agreement with businesses owners so that they respect the rights and conditions set out in the Labour Law and do not exploit refugees.¹⁵² NGOs may be able to influence the behaviour of employers to treat refugee employees in accordance with the Labour Law; however, to date there is insufficient evidence whether this behaviour continues once the cooperation and funding from these external agencies ceases (an issue that would benefit from long-term evaluation).

Iraqi IDPs are Iraqi citizens and so have the same rights to work as others. However, lack of local connections, and absent or missing documentation (which affects IDPs more than non-displaced Iraqis) present a significant barrier to the right to work. Without IDs, employers are reluctant to hire IDPs both formally and informally. Equally, IDPs who don't have adequate civil documentation cannot receive government support (such as disability support).¹⁵³ A black market apparently exists where Iraqis (including IDPs) can obtain forged IDs; however, fake IDs do not enable genuine freedom of movement through security checkpoints. As with refugees, a significant barrier for IDP access to employment is that employees are hired through word of mouth and social connections.¹⁵⁴ For returning IDPs, lack of job opportunities is major barrier to return, particularly in rural areas that suffered extensive damage to infrastructure, farming resources, and agriculture during the war with ISIL.¹⁵⁵

2.4.1c Right to start, improve and register a business

Refugees can register and open a business, subject to the same conditions as other foreigners including legal residence and civil documentation (among others). There appears to be little incentive for refugees – or Iraqis, more widely – to register their businesses, indicated by the fact that 95 per cent of business establishments surveyed in a 2020 study by ILO, Fafo Institute for Labour and Social Research and the Cash and Livelihoods Consortium for Iraq (CLCI) report that they are not registered with the relevant authorities. A fundamental issue to address, then, is how to encourage and achieve a move from an informal to (more) formal economy. Self-employed entrepreneurs and micro businesses (such as those typically run by refugees) often do not see value in registering their business or their workers and prefer to remain informal.¹⁵⁶

Refugees and IDPs face many similar challenges in starting and registering a business. Some of the respondents interviewed for this study had established informal micro-businesses, often in the camp where they reside, typically small shops or hair salons.

A common challenge faced by both IDPs and refugees attempting to work as entrepreneurs is securing the required permit and/or security clearance to open a business.¹⁵⁷ Refugees often reported that the process of starting a business formally is extremely tedious, long and expensive¹⁵⁸ and involves registering the business formally with the Asayish (in KR-I) or Directorate of Companies Registration in Baghdad, and

150 World Bank Group, "Women and Jobs for an Inclusive Labour Market in KRG : A Pilot Program - Program Summary," 2019.

151 World Bank Group, 2019.

152 Interview with key informant, Iraq.

153 Interview with IDP, Iraq.

154 Interview with economic development expert, Erbil, Iraq.

155 IOM Iraq, "Access to durable solutions among IDPs in Iraq: Six years in displacement," 2022. Available at: <https://iraq.un.org/en/download/98947/172870>.

156 Interview with expert at UN agency, Iraq.

157 Durable Solutions Platform, 2021.

158 Interview with IDP in Iraq.

obtaining a licence. One IDP explained that first he had to liaise with the Chamber of Commerce in his governorate, the body that regulates the business registration process, to set up his shop, and then had to obtain a licence. On his own, the process would have been cheaper but would have taken 12 months to complete so he chose to pay a lawyer US\$700 to take on the process of obtaining the licence. Overall, this took four months to complete.¹⁵⁹ Others noted that they had to visit multiple different ministry offices to register their business and obtain all the necessary permits.

A 2022 Norwegian Refugee Council (NRC) study highlighted that a widespread perception amongst respondents that for refugees to have a licensed business outside of camps it must be owned by, or be in the name of an Iraqi. This is connected with obtaining Asayish approval, by which Syrians are often required to have an Iraqi partner or 'sponsor' to the business. The perception may further disincentivizes refugees from registering a business.¹⁶⁰

There are fewer barriers to setting up an informal business, and it is more common for displaced entrepreneurs to operate unregistered and informal businesses.¹⁶¹ Some choose not to register their businesses because they do not want to be obliged to pay tax¹⁶² and they do not see the advantage of operating as a registered business (versus operating informally). This trend applies not only to refugees, but to Iraq's private sector more broadly, and these wider barriers to enterprise formality need to be overcome to improve social security coverage for employed workers.

A 2019 MERI study found that comparatively fewer refugees had established their own businesses, and noted an important difference between refugee and host community enterprises: the employment that each business was able to generate. The capacity to generate employment in camps is extremely limited as the camp is currently a very closed economy.¹⁶³ Many IDPs and refugees do not know where to go to find information to start their business.¹⁶⁴ There was a poor understanding of the law, and the general assumption is that refugees wanting to be self-employed or start their own business need an Iraqi partner – even if this is not true.¹⁶⁵ Many interviewees felt that there were no specific actors helping displaced people to start their business.¹⁶⁶ Others explained that even if they were able to set up an informal or formal business, it would be a very risky enterprise because small businesses and shops are being out-competed by large shopping malls.

2.4.1d Cooperatives

Cooperatives started by refugees, or with refugee participants, appear uncommon. One reason could be that roughly 60 per cent of refugees live in urban areas and are scattered across relatively large areas, which would make it difficult to work together in a cooperative.¹⁶⁷ In particular, prior to 2003, cooperatives and farmers associations were a significant feature of the agricultural sector across Iraq, with many having ceased to operate or scaled back activities. Such organizations once helped local farmers with such matters as sharing technical knowledge, exchanging market and pricing information, sharing equipment and accessing subsidized fertilizers.

159 Interview with IDP in Iraq.

160 NRC, "Closing the Gap from Work Rights to Decent Work for Syrian Refugees in KRI." 2022. Available at: <https://www.nrc.no/globalassets/pdf/reports/closing-the-gap/closing-the-gap---report-design.pdf>.

161 Interview with expert at UN agency, Iraq.

162 Interview with IDP in Iraq.

163 UNDP IQ-MERI Report – Pathways to Resilience for Syrian Refugees Living in Camps in the Kurdistan Region of Iraq, 2015.

164 Interview with IDP in Iraq.

165 Interview with expert at UN agency, Iraq.

166 Interview with IDP, Iraq.

167 Interview with economic development expert, Baghdad, Iraq.

2.4.1e Access to finance and financial services

Securing the required capital, as well as a guarantor or sponsor from the host community, is another significant challenge for both IDPs and refugees wishing to start a business.¹⁶⁸ Financial institutions usually have stringent application requirements that IDPs, and especially refugees, cannot meet, such as access to guarantors, and they also cannot afford the high interest rates.¹⁶⁹ Banks can be hesitant to give loans to displaced people unless the person has collateral such as land or property, a secure salary, or a credit card or other specific account with the bank.¹⁷⁰ Additionally, financial service providers may consider refugees being high risk clients due to the wrong perception that refugees are likely to leave the country either through resettlement or return to their country of origin, while both options are highly limited in Iraq and the majority of refugees are likely to remain in the near future.

Formal loans including those provided by MoLSA also require the person to have an ID card, which is not always possible. Refugees and IDPs alike struggle to secure the required start-up capital owing to difficult conditions in displacement and lack of availability of limited financial services and access to credit.¹⁷¹ When asking interviewees whether they considered starting their own business, many said they wanted to but did not have the capital or raw materials or equipment to start up.¹⁷² Moreover, many displaced people believe that access to such loans is reliant on knowing someone in the lending organization.¹⁷³

Some humanitarian organizations provide sporadic financial support in the form of grants and in-kind support for refugees and IDPs to start their businesses,¹⁷⁴ but those are not nearly sufficient to respond to the large demand, and the selection process is often perceived as unclear (since most agencies will have specific selection criteria based on existing assets, skills, business proposals and specific projects requirements that may not be entirely clear to potential applicants). Therefore, it is more common, when in need of funding to start a business, that IDPs and refugees will resort to friends, neighbours or family for help.¹⁷⁵ Those informally loaning money or renting out spaces for businesses can be lenient and understanding of circumstances in ways that perhaps banks and formal institutions would not be.¹⁷⁶ As a result, most loans and financial support, capital and seeding funding come from individuals rather than governments or official institutions.¹⁷⁷

One challenge that limits the type (and size) of enterprise a refugee can establish is that in order to register a business with company status, refugees need a bank account and deposit of 50,000 Iraqi dinars (US\$34). According to interviewees, banks will use the excuse of a lack of Iraqi national ID as a reason for them not to open a bank account for refugees, even though that is not a legal requirement. There was consensus amongst interviewees that no bank is allowing refugees to access bank accounts, although theoretically they should have this right. Refugees do not have any reliable recourse to challenge such refusal.¹⁷⁸ The difficulty refugees face in moving in and out of camps is another barrier to obtaining a bank account in practice.¹⁷⁹ Some refugees do not open a bank account because they feel that they do not make enough money to warrant an account.¹⁸⁰ However, it is important to note that refugees can register a business as an individual enterprise without access to a bank account, making this a far more accessible option for refugees.

168 Durable Solutions Platform, 2021.

169 SREO and Cordaid, "Agribusiness market scan: Mosul and surrounding areas," 2020.

170 Interview with IDP, Iraq.

171 Tearfund, "Assessment of the Livelihood Opportunities in the Kurdistan Region of Iraq," 2015.

172 Interview with IDP, Iraq.

173 Interview with IDP, Iraq.

174 Interview with IDP, Iraq.

175 Interview with IDP, Iraq.

176 Interview with IDP, Iraq.

177 Interview with IDP, Iraq.

178 Interview with expert at UN agency, Iraq.

179 Interview with expert at UN agency, Iraq.

180 Interview with IDP, Iraq.

2.4.1f Employment services

Most IDPs and refugees heard about their work opportunities through their social network and connections,¹⁸¹ friends¹⁸² or family. According to a 2021 study, the vast majority of Syrian refugee, IDP and host community respondents were not aware of government services on employment, including MoLSA employment centres.¹⁸³ Nepotism is a major issue and frustration for many.¹⁸⁴ Without a social and personal network, it can be very difficult to find work.

While government-led employment services exist, there is a shortage of adequate employment opportunities being posted on the employment services website, since MoLSA lacks close ties with private sector employers, and private sector employers typically prefer to use private recruitment platforms.

In addition, there are also gaps in data available on refugees' skills, experience, and aspirations to inform programming, training provision and matching with labour market needs.

2.4.1g Right to own or rent land

In practice, refugees and IDPs often reside in inadequate housing without formal lease agreements and are exposed to sudden changes in rental conditions or even eviction. In addition, some IDPs are prevented from returning to their homes because of problems in securing access to their property, re-establishing ownership, and resolving contested property claims.¹⁸⁵ In addition, IDPs continue to face significant challenges related to gaining compensation for rebuilding destroyed housing, as well as the widespread misplacement, loss and destruction of documentation proving ownership of these assets.¹⁸⁶

While the challenges associated with owning or renting land affect many Iraqis who have lived through the conflict, research by NRC found that IDP and conflict-affected women in Iraq consistently report less ability to claim their housing, land and property rights. This means they are more likely than men to live in poor or inadequate shelter, report a greater fear of eviction, and less ability to claim their housing, land and property rights. This is despite the existence of legal protection in law: Article 14 of the Constitution of 2005 states that all Iraqis are equal before the law and prohibits discrimination based on sex, and Iraq's Civil Code uses gender-neutral language where it recognizes the right of citizens to private ownership of property, the ability to rent, mortgage, buy and sell. However, the difficulty for conflict-affected women in Iraq to protect and claim their property, NRC research shows, is based on four key interlinked factors: the interplay between formal and customary norms regarding women's right to own and claim property; perception and community knowledge of women's rights to own and claim property; lack of documentation of women's property rights; and the treatment of women who are perceived to be affiliated with ISIL.¹⁸⁷

181 Interview with IDP, Iraq.

182 Interview with IDP, Iraq.

183 Durable Solutions Platform, 2021.

184 Interview with IDP, Iraq.

185 Norwegian Refugee Council, "Broken Home: Women's housing, land and property rights in post-conflict Iraq," 2020. Available at: <https://reliefweb.int/report/iraq/broken-home-women-s-housing-land-and-property-rights-post-conflict-iraq>.

186 IOM Iraq, "Housing, land property rights in Iraq: an assessment of progress towards durable solutions in line with the Pinheiro Principles," 2021.

187 Norwegian Refugee Council, 2020.

2.4.2 Access to training

2.4.2a Skills development and TVET

Across federal Iraq, the 38 MoLSA training centres have an average annual MoLSA cohort size of 16,659. Students are 66 per cent female. The largest enrolment in this group is in business innovation (which may be linked to small loans) and is followed by the next four largest specializations of sewing, computing, hairdressing and English language. These top five specializations make up over 70 per cent of total enrolment. In KR-I there are seven MoLSA training centres. Total enrolment was 1,504 in 2014 and 1,414 in 2016. Computer, sewing and English language courses have the biggest share of enrolment (over 50 per cent). MoLSA KR-I students are 55 per cent male and 45 per cent female. Dohuk has by far the largest share of MoLSA enrolment in KR-I (34 per cent of enrolment) and Erbil has the second highest share (18 per cent).¹⁸⁸

Substantial resource limitations face refugees accessing TVET opportunities. Ministries often rely on international actors to provide funding for individual participants (including refugees). Ministries such as MoE, MoHESR and MoLSA have a budget for the delivery of their core business services, irrespective of the number of students trained. The allocation of funding from the ministries to their education and training institutions is often based on historical operating costs, with no mechanisms which enable budgetary consideration to be given to changes in the number of students or running cost implications of delivering new or amended programmes. Also, there is no full-time equivalent student cost formula to provide a baseline for different types, specializations and levels of education and training. Moreover, there is no TVET levy fund on private sector business in Iraq or the KR-I (which is a mechanism used in many countries to partially fund education and training).¹⁸⁹

TVET centres are consistently reported to suffer from lack of funding. In Mosul, one trainer teaches at a government college and stated that despite having some funding, they need more funds to expand the building and purchase updated equipment and supplies. Instructors often pay for supplies such as printers and paper themselves because they do not have a budget given to them by the state.¹⁹⁰ The existing seven VTC centres in KR-I are governmentally funded, but amid the economic crisis their budget and regular programme offering have been significantly reduced, trending at two or three training programmes per year. It is estimated that VTCs rely for 90 per cent on projects funded externally. This situation has influenced VTCs acting as “service providers” for humanitarian and development actors and international NGOs, each determining its own training courses that are often repetitive and conventional and for “their own beneficiaries” that include IDPs and refugees. This has implications on young adults seeking employment, as they remain largely uninformed and arguably even misguided regarding promising vocations. No significant investment has been made in accredited, unified or market-informed training curricula and capacities of VTC and its trainers.¹⁹¹

There is also poor connection between TVET and work opportunities, limited work-based learning opportunities such as apprenticeships, and no funding (in the form of small grants or loans) to graduates to help them start a new business. Instead, TVET typically operates in relative isolation from the job market. The number of course options are also quite limited, and there are shortcomings in quality, curriculum and annual planning.¹⁹²

188 UNESCO, 2019.

189 UNESCO, 2019.

190 SREO and Cordaid, “Agribusiness market scan: Mosul and surrounding areas,” 2020.

191 Action Against Hunger, “Final independent evaluation: Creating job opportunities for young adults in Kurdistan,” 2018. Available at: <https://reliefweb.int/report/iraq/final-independent-evaluation-september-2018-creating-job-opportunities-young-adults>.

192 Interview with TVET expert.

The TVET Strategy is intended to address many of these shortcomings as it provides a clear framework for the government to coordinate and allocate resources. However, the draft law that will formalize the TVET strategy has been pending approval since 2016, and only the section on the TVQF has been passed to date. The remaining part of the draft law remains under active consideration but is inhibiting the full implementation of the TVET Strategy.

There are organizations and entities providing training (separate from the MoLSA-run centres), but some organizations have such a large demand that it becomes a lottery system in order to be selected into the programmes.¹⁹³ Business training is advertised through Facebook, but interviewees said that they rarely receive a response¹⁹⁴ even when they leave their contact and application.¹⁹⁵ There is a lot of frustration where the demand for these types of training is high but supply on the NGO side is very low and the accessibility or availability of these services is quite constrained. Refugees and IDPs living in camps also report attending courses provided by humanitarian agencies, covering topics such as sewing, hairdressing, cooking, blacksmithing and project management, and this training is sometimes complemented by small grants from the same organizations, although respondents to this study believed that such funding was inadequate to meet demand. In addition, a consistent problem for all graduates – whether in-camp or out of camp – is the low availability of employment and the barriers that exist to accessing the labour market. Channelling greater funding into expanding TVET opportunities may not be effective without an integrated approach that seeks to address the inadequate supply of jobs in the labour market and the barriers that prevent displaced people from accessing them.

Iraq previously implemented several good practices related to work-based learning, although these have since been disrupted by political and social upheaval and require further development. Previous practices included ensuring a close relationship between training providers and (often adjacent) production sites, including factories, farms and service providers. These relationships offered easy access to work-based practice experiences, continuous employer feedback on student and graduate skills, and employment opportunities for graduates. Another loss is the practice of “training-with-production,” which includes actual production of goods and services for sale (revenue stream for the institution and the “workers”) and actual work experience for trainees, within the concept of training. More recently there has been a modest resurrection of this concept of work-based learning in the form of 14 “experimental” agriculture “training-with-production” programmes (via the Ministry of Education) with financial benefits for all parties, including trainees.¹⁹⁶ In addition, the vocational training centres in Mosul use their training courses to rebuild destroyed workshops and centre utilities as a form of work-based learning, while also helping to rehabilitate vocational training resources.

2.4.2b Recognition of education, vocational, academic and professional qualifications

One significant regulatory barrier for refugee access to TVET is recognition of prior qualifications or prior learning (including informal and non-formal learning). Most refugees attend the vocational training centres run by MoLSA. Since these target unemployed adults who do not necessarily have an existing technical skill set, there are minimal entry requirements for attendance, and typically trainees are not required to provide evidence of a prior qualification or prior learning to attend. By contrast, vocational training provided by the Ministry of Education and Ministry of Higher Education usually has more stringent entry requirements, targeting people within specific professions and holding particular qualifications. This is often a barrier for refugees who may have lost or damaged their education documents during displacement, and even if they do have access to their documents, struggle to have them recognized in Iraq.

193 Interview with IDP, Iraq.

194 Interview with IDP, Iraq.

195 Interview with IDP, Iraq.

196 UNESCO, 2019.

As discussed in section 2.2.2b above, the TVQF includes a section covering recognition of prior qualifications and prior learning. While the framework and associated law does not include explicit reference to refugees, it may improve refugee access to TVET because it should facilitate the process for refugees to have their qualifications and prior learning recognized, and thereby gain access to TVET opportunities provided by the ministries of Education and Higher Education. However, given that the framework was only recently passed, it is not yet being implemented, so it is unclear how effectively the processes for recognition of prior qualifications and prior learning will work and what their impact will be.¹⁹⁷

For camp-based refugees who work in the camp, UNHCR has an established process to recognize qualifications (in order to hire teachers, for example) that operates separately from the government system, given UNHCR's role in camp management. UNHCR's recognition of refugee qualifications is for the purpose of non-formal education activities and in-camp employment only, and does not translate to out-of-camp employment opportunities. Outside camps, it is very uncommon to see refugees working in professional roles. Syrian nationals may work in professional positions that match their qualifications, but typically they would have entered Iraq legally as migrants with a pre-existing right to work and employment sponsorship. Some Syrian refugees interviewed for this study stated that their university qualifications were generally recognized in the job market, although they are no guarantee of finding a job. Most believe that personal connections are more important than qualifications.

Alternatively, refugees may be employed in their profession but in an informal manner, meaning that they are paid less than formal workers and face unsatisfactory work conditions.¹⁹⁸ Employers also ask for a residency address, which can lead to discrimination if the person is displaced or lives in a camp. Most refugees need to start from scratch even if they have previous experience.¹⁹⁹

The Ministry of Education in the KR-I provides an equivalency certificate that enables refugee students to transfer to schools in Kurdistan. For a university degree, the equivalency certificate is provided by the Department of Equivalence of External Certificates within the Ministry of Higher Education. Throughout this process, Syrian student refugees are treated as foreigners, not as refugees, which means they are required to present the same identification papers and documents requested from foreigners residing in Kurdistan to the Ministry of Education as international students to process the equivalency and transfer them to local schools. This can constitute a barrier for refugees who do not have copies of their academic history or school records. In addition, a valid residency permit (such as the asylum seeker/refugee residency) is required to apply for the equivalency certificate.²⁰⁰ As part of the application, students requesting an equivalence for their degree are also required to undertake a competency exam, particularly in the case of medical specialities. Some students face difficulty in passing the competency exam since it is administered in English, whereas the language of instruction in Syria is Arabic. The language barrier limits the number of students who succeed in the competency exam.²⁰¹

In practice, it is unclear how vocational training certificates and informal and non-formal prior learning are recognized; there was limited information available on the subject and it appears there is currently no coherent system in place.

197 Interview with TVET expert.

198 Interview with economic development expert, Baghdad, Iraq.

199 Interview with IDP, Iraq.

200 Higher education and Syrian refugees in Iraq.

201 Higher education and Syrian refugees in Iraq.

2.4.3 Rights at work

2.4.3a Protection in the labour market and access to justice and legal services

In the absence of a comprehensive, national refugee law that recognizes all refugees residing in Iraq (including those in the KR-I), as well as clear provisions that protect the rights of refugees to work and in the workplace, refugees have faced, and are vulnerable to, different standards of treatment and policy changes that prevent them from realizing their rights.²⁰² IDPs face many of these same challenges in practice. IDPs, even when employed, may end up in precarious working conditions. They will accept not being paid, being paid less,²⁰³ working excessively long hours, and not having a contract because jobs are so hard to come by.²⁰⁴ For example, one IDP informant in Mosul, displaced from Sinjar, indicated that he had been working at a trading company for six months and had still not been paid his salary because the company's sales revenue was not good.²⁰⁵ Others reported that IDPs and refugees are easier for business owners to fire, even for trivial mistakes, and are often denied the right to take leave.

Having a contract was recognized by refugees as leading to greater work protections.²⁰⁶ Since refugees in the KR-I virtually always work in the private sector (for example, in factories) or in the informal sector, it is almost impossible for them to press for better wages or conditions: the employer decides the wage, the conditions, the hours, and can take advantage of the fact that these workers who have very little protection.²⁰⁷

Displaced women are also faced with gender discrimination and sexual harassment,²⁰⁸ although it is not clear that they were targeted on account of their displacement status, and the issue of harassment is a broader one across Iraq. In a 2021 study, a small proportion of women reported that they or someone they knew had experienced issues related to verbal and sexual harassment at work, although the issue came up much more frequently during focus group discussions. Owing to the sensitivity of the question, there is likely to be underreporting of the topic.²⁰⁹ Of those who had or knew someone who had experienced harassment, most reported that the harassed person quit her job or moved to another job.²¹⁰ FGD participants commented that hiring discrimination based on gender, age and physical appearance were common, particularly in the private sector. FGD participants and government KIs theorized that discrimination was higher in the private sector because of less stringent enforcement of labour laws.²¹¹

The absence of an inclusive refugee law and clear provision protecting the rights of IDPs and refugees to work has led to confusion on the exact protection afforded to refugees when it comes to employment.²¹² In the KR-I, despite respondents expressing general confidence in the policy environment, few of those interviewed were able to articulate details of specific frameworks or regulations, highlighting the lack of awareness and information on the regulatory basis for displaced people's access to work opportunities.²¹³ Less than half of the Syrian refugee, IDP and host community respondents said they were aware of laws

202 William K. Warda, et al., Hammurabi Human Rights Organization. Iraq – Country Report. 2018; Qadir, Adnan. Legal Status of Asylum Seekers and Refugees in Iraq and Kurdistan Region of Iraq. *The Scientific Journal of Cihan University – Solemani* 3(2), December 2019.

203 Interview with IDP, Iraq.

204 Interview with IDP, Iraq.

205 Interview with IDP, Iraq.

206 Durable Solutions Platform, 2021.

207 Interview with economic development expert, Baghdad, Iraq.

208 Interview with IDP, Iraq.

209 17 out of 614 respondents.

210 8 out of 17 respondents, while 5 out of 17 respondents commented that there was no follow-up. See: REACH, 2019.

211 REACH, 2019.

212 Durable Solutions Platform, 2021.

213 Durable Solutions Platform, 2021.

and policies addressing the rights of refugees and IDPs to work, and women were even less likely than men to be aware of such laws or policies. One respondent – indicative of a wider scepticism among displaced people – described such labour laws as “merely ink on paper”, suggesting that existing laws are not well enforced. This limited level of awareness is notable as research has demonstrated that if workers and employers are not aware of these frameworks and the associated rights, the ability to access them and their wider enforcement is more restricted.²¹⁴

According to a 2021 study on the knowledge of women workers, 40 per cent of surveyed refugees, IDPs, and host community members (n=416) who were currently or had previously been employed were not aware of any labour laws or policies relevant to employment in Iraq. In parallel, while roughly 50 per cent of respondents were aware of their rights related to maternity leave and retirement, only four respondents reported that they were aware of laws related to discrimination or harassment. This highlights a noticeable knowledge gap about rights.²¹⁵ One shortcoming of the 2015 Labour Law is the lack of implementing regulations, which can make it difficult to apply in practice, and enforce the provisions. There are still many barriers to workers defending their rights through formal processes.²¹⁶

Labour inspections do take place in practice, but the risk that workers may also be subject to penalties according to the 2015 Labour Law and draft Labour Law for the KR-I is likely to act as a deterrent against refugees (or IDPs) reporting breaches of their rights, such as exploitative working conditions or irregular employment.²¹⁷ No data could be identified about whether refugees have faced penalties in practice, or whether (and the extent to which) they have made complaints to labour inspectors. However, a 2021 US Department of State report noted that even in cases where a foreign employee had a legitimate complaint that was shared with MoLSA, authorities rarely held the abusive employer accountable, and employers are permitted to change names to enable them to continue to operate. Moreover, in cases where an employer was punished for abuse, it was common for a single perpetrator to be penalized, rather than the entire company or agency.²¹⁸

No refugees or IDPs interviewed for this report were aware of grievance mechanisms, nor were key informants from international organizations that work with IDPs and refugees. Instead, most emphasized that since the majority of refugees and IDPs work in the informal sector, typically without a contract, and with limited options for alternate employment, these protections were not realistically available to them.

2.4.3b Freedom of association

In both federally administered Iraq and the KR-I there were no reports of refugees joining trade unions. One interviewee suggested that Iraqi nationals may not feel a sense of solidarity with refugee workers, given the challenging economic situation in Iraq and the absence of adequate jobs.²¹⁹ Moreover, it is extremely difficult to organize workers who are not in stable employment and who work informally.²²⁰

In a 2021 study, no refugee respondents indicated they currently belonged to a trade union in KR-I, and when asked the reasons for this, most refugee respondents living in camps and nearly half of refugees living in urban areas indicated it was because they believed refugees could not participate in unions.²²¹

214 ILO, “Extending Social Security to Workers in the Informal Economy: Information and awareness,” 2019.

215 REACH, 2019.

216 Interview with expert at UN agency, Iraq.

217 ILO, 2021.

218 US Department of State, “Trafficking in Persons report: Iraq,” 2021. Available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/iraq/>.

219 Interview with expert at UN agency, Iraq.

220 Interview with expert at UN agency, Iraq.

221 Shared Livelihoods Services, 2021.

2.4.3c Freedom of movement

The legal and regulatory system set out in 2.2.3c regarding freedom of movement appears to be strictly applied in practice, and is based on the type of residency permit held by refugees. Specifically, refugees in federally administered Iraq who are recognized under the 1971 Political Refugee Law can use their PC-MoI card to move within the governorates of federal Iraq. Refugees recognized via the KR-I's asylum seeker/refugee residency are not entitled to move beyond the KR-I and enter federal Iraq without prior authorization, and doing so may result in arrest, detention or deportation as an undocumented foreign national. In the past, some refugees and IDPs have even been restricted to specific camps and not permitted to leave, owing to perceived security concerns, ISIL affiliations and other similar challenges.²²² Such restrictions limit access to the labour market and impinge on the labour rights of the affected people.

2.4.3d Social security and protection

The 2015 Labour Law and the related social security insurance have very little compliance in Iraq. Across Iraq, there are as many as 5 million workers in the private sector and only around 300,000 people registered at the social insurance level, so coverage is, in practice, very low.²²³ Refugees typically rely on their own savings, and because they are mostly working in the informal sector, with more precarious work situations or conditions even if registered, there is a big risk for them to have to spend all their savings on a health expense or a sudden situation of unemployment. The precarity of the situation and the fact that they are not covered by government social safety nets can put them in very difficult positions.²²⁴

Research suggests that IDPs receiving support through the public distribution system (PDS) were not receiving the full benefits.²²⁵ This implies that while the PDS can mitigate some of the impacts of displacement, it is not, in its current form, a fully effective emergency assistance tool.²²⁶ In-camp refugees and IDPs also receive assistance from agencies such as the World Food Programme (WFP), UNHCR, and other humanitarian partners as a form of social assistance. For out-of-camp refugees and IDPs, Multi-Purpose Cash Assistance (MPCA) interventions by humanitarian and development actors constitute a significant social protection scheme (MPCA is typically provided to out-of-camp populations while basic services are directly provided in camps).²²⁷ A total of US\$73,156 million was allocated for this type of assistance in the 2020 Humanitarian Response Plan, constituting 14 per cent of the total budget.²²⁸ Similarly, cash for work and cash for assets are a key indicator for supporting income generating activities in the 2020/2021 Regional Refugee and Resilience Plan for Iraq.²²⁹ A 2020 assessment finds that limited data-sharing between humanitarian actors, and no protocols for data-sharing between government and humanitarian actors, are contributing to inefficiencies, duplication and gaps, indicating the need for closer alignment between programming.²³⁰ Moreover, such assistance is dependent upon continuing donor funding as well as government policy towards camp closure and thus remains a precarious form of social protection and one that is not sufficient to achieve a durable solution in the long-term.

There have also been initiatives to integrate refugees and IDPs into Social Safety Nets (SSN) – non-contributory systems of assistance designed to support vulnerable households. For example, there have been discussions to convert humanitarian cash assistance programmes into public SSN schemes, partly as an exit and handover strategy for humanitarian agencies. In KR-I, World Bank has been collaborating

222 Human Rights Watch, "Iraq/KRG: Displaced people can't move freely," 2016. Available at: <https://www.hrw.org/news/2016/10/21/iraq/krg-displaced-people-cant-move-freely>.

223 Interview with expert at UN agency, Iraq.

224 Interview with key informant, Iraq.

225 World Bank Group, "Iraq's Universal Public Distribution System – Utilization and Impacts During Displacement," 2020.

226 World Bank Group, 2020.

227 Kristin Smart, "Challenging the System: Humanitarian Cash Transfers in Iraq," ODI, 2017.

228 OCHA, Humanitarian Response Plan 2020 – Iraq, 2020.

229 UNHCR and UNDP, "Regional Refugee and Resilience Plan, Regional Strategic Overview 2020 – 2021," 2019.

230 SPAN, "Guidance Package on Social Protection across the Humanitarian-Development Nexus," 2019.

with UNHCR and UNICEF to pilot a SSN scheme that supports IDPs and refugees, while an EU-funded initiative by UNICEF, ILO and WFP together with Ministry of Planning, the Ministry of Labour and Social Affairs, and the Ministry of Trade is working to develop a national strategy and road map to expand social security coverage to include informal workers, while supporting the most vulnerable workers in the informal economy in Iraq.

2.4.4 Naturalization pathways open to refugees

In practice, naturalization is out of reach for most refugees. Among respondents to the present study, most participants believed they were not eligible for Iraqi citizenship and had never considered applying. However, they believed there would be benefits in terms of being better able to secure their rights, to find jobs, to access finance to start a business, or to reduce discrimination they might face during bureaucratic procedures. Some respondents suggested that there is corruption in the application process and that obtaining citizenship through payment of expensive bribes is possible in some cases. Some also noted that citizenship would provide feelings of security, compared with living in Iraq on a residency permit only, as well as avoiding needing to undergo an annual residency renewal process and pay the fees.

▶ 2.5 Conclusions

2.5.1 Refugee access to labour markets

1. The absence of a comprehensive legal framework pertaining to the status of refugees presents a fundamental barrier to refugees accessing the labour market.
 - ▶ Conferring refugee status is exclusively a federal power, and the federal law that regulates refugee status (the 1971 Political Refugee Law) relies on a narrow definition that excludes most refugees in Iraq. Refugees who fall outside the 1971 Law are not afforded the full rights of a refugee in law – although they may be recognized as asylum seekers or under another similar status. The Federal authorities are working on Administrative Instructions to the 1971 Political Refugee Law, which aims to provide further clarity on some provisions.
 - ▶ The MoI has indicated its intention to revise and resubmit the Refugee Bill, which was last rejected in December 2020 by the Parliament.
 - ▶ To address this gap, the KRG provides asylum seekers and refugees residing in the KR-I with one-year, renewable asylum seeker/refugee residency. While positive, this arrangement relies upon the benevolence of the KRG and continuing good relations between Baghdad and Erbil.
 - ▶ Without a uniform and approved law, refugees face different standards of treatment and there is no consistency in terms of rights and entitlements.
2. The right to work is determined by location and which legal framework refugees are recognized under.
 - ▶ The small number of refugees who meet the criteria in the 1971 Political Refugee Law and are issued with a card demonstrating their residency rights from PCMoI are granted the right to engage in trade and business on an equal footing with Iraqi nationals, and can therefore work in the private sector without the need to obtain a separate work permit. However, in order to work in the formal sector with an employer, they must obtain a work permit from MoLSA (in accordance with the 2015 Labour Law).

- ▶ The asylum seeker/refugee residency issued by the KRG provides a de facto right to work for all refugees over the age of 15 in the KR-I, although they may need to separately obtain a work permit from MoLSA in order to access employment.
 - ▶ Refugees who do not meet the criteria in the 1971 Law and do not possess an asylum seeker/refugee residency issued by the KRG are treated as foreigners and must obtain a work permit from MoLSA in order to access employment. This requires sponsorship by an employer.
3. Most refugees work in the informal sector.
- ▶ Iraq's private sector, which accounts for 40 to 50 per cent of employment, is mainly informal. The labour market is also dominated by a large public sector, accounting for some 39 per cent of employment.²³¹
 - ▶ As such, formal work opportunities are rare, and most refugees work in the informal sector and with unregistered businesses.
4. Incentives to register businesses are low among refugees and the Iraqi population generally.
- ▶ Refugees must follow the same procedures as a foreign entrepreneur when registering a business. This means registering with the Chamber of Commerce (or Chamber of Commerce and Industry in the KR-I) which entails obtaining a licence and a security clearance. Since 2016, applications for security approvals submitted by Syrians have often been rejected by the KR-I security apparatus. A number of registration requirements, including the requirement to provide a residency permit, licence and bank account details, can make the process for registration time-consuming and potentially pose barriers for those who do not possess the necessary documentation.
 - ▶ As a result, the vast majority of refugees (as well as IDPs) prefer to operate their businesses informally, without registration. This reflects a broader trend of informality in Iraq's economy, where an estimated 95 per cent of all businesses are unregistered, indicating that host community members also prefer to operate their businesses informally.
5. Obstacles in accessing finance and capital are a significant barrier to business ownership, as is the inability to open a bank account.
- ▶ There is no legal restriction on refugees opening a bank account. Nonetheless, banks consistently refuse to permit refugees to open bank accounts. In the KR-I, banks claim that the asylum seeker/refugee residency issued by KRG is not a sufficient form of ID.
 - ▶ Even if access to a bank account were possible, refugees often prefer to operate through informal finance networks and consider that they don't make enough money to justify opening an account. Iraq in general is one of the most underbanked countries in the Middle East.
 - ▶ There do not appear to be any legal barriers for refugees to obtain credit from a bank or a loan for a small or medium enterprise from a private financial institution. However, private banks require specific types of guarantees (a commitment from an Iraqi public servant, and property collateral) which are out of reach for most refugees.
 - ▶ Mobile money is available to refugees and IDPs in Iraq, thanks to a special provision from the Central Bank of Iraq that permits refugees to have SIM cards to allow them to open temporary wallets and receive cash transfers.
 - ▶ Identification is required to buy a SIM card (passport, national ID, and so on). In theory, refugee cards may be accepted as identification. For example, Asiacell states on its website that UNHCR registration certificates are acceptable. As such, IDPs and refugees without appropriate documentation may find it difficult to obtain a SIM card. However, some may purchase SIM cards via local national contacts.

²³¹ ILO, "A diagnostic of the informal Economy in Iraq," 2021. Available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_830086.pdf.

6. Refugees are theoretically able to access some government employment services, but in practice these are severely underfunded.
 - ▶ MoLSA runs an employment service through its website, but only refugees recognized under the 1971 Law are eligible to register.
 - ▶ MoLSA also runs employment service centres, which aim to support access to decent jobs through integrated services, and refugees and IDPs can theoretically join these. However, this is contingent upon funding, and these centres suffer severe funding and human resource capacity shortages.
 - ▶ In general, such services are lacking and underdeveloped across Iraq.
7. Land ownership is not possible for refugees.
 - ▶ The 1971 Political Refugee Law states that recognized refugees may be allocated agricultural land to use in Iraq; however, it will not be registered in their names until they are naturalized as citizens.
 - ▶ Otherwise, refugees in federally administered Iraq are treated as foreigners and prohibited from owning immovable property.
 - ▶ The process to purchase property in the KR-I is perceived as complicated and expensive, and in practice it is infeasible for many refugees. Two particularly challenging issues for refugees are the need to obtain a security clearance, and also to obtain approval of the purchase from government ministries (depending on the type of property and whether in KR-I or federally administered Iraq).
 - ▶ While in principle refugees may rent agricultural land, practical barriers mean uptake is very low and most refugees work on others' land as daily labourers.
8. Naturalization in Iraq is very complex and largely unattainable for refugees.
 - ▶ Naturalization is subject to several conditions: that the person entered Iraq legally, has lived legally in the country for ten years, has no contagious diseases, and can support themselves financially. Naturalization is also subject to the approval of the Minister.
 - ▶ In practice, naturalization is not feasible as a durable solution.

2.5.2 Refugee access to training

1. A national strategy on TVET exists, but the legislative framework is insufficient and refugees are not explicitly recognized.
 - ▶ Iraq has concluded a TVET Strategy (2014–2023) covering both Iraq and the KR-I, and drafted a complementary law for a new TVET governance model. In 2021, the Council of Ministers approved one part (only) of the draft law: the Technical and Vocational Qualifications Framework (TVQF). The framework does not explicitly mention refugees but it does cover recognition of foreign qualifications, so it is expected to extend to refugees. However, the framework is not yet implemented so it is unclear how it will work in practice.
 - ▶ Neither the draft law nor the TVET Strategy makes specific reference to refugees or IDPs. However, the 2015 Labour Law states that vocational training, when provided, is available to all on an equal opportunity basis, including to migrant workers. While specific guidance on refugees does not exist, in practice the law is interpreted in a way that does not exclude refugees from TVET opportunities.
2. Refugee access to education is legal at basic, secondary and tertiary levels. TVET opportunities are available to refugees but are heavily constrained by funding.
 - ▶ Obstacles to refugees accessing vocational and technical training relate little to legal exclusions, and more to lack of funding. The level of engagement of refugees and IDPs typically relies on the extent of support from international organizations.

- ▶ A key barrier to post-secondary education and TVET is the requirement for refugees to present stamped certificates from their home country, which in many cases they have lost during displacement.
 - ▶ Technical secondary schools and vocational training centres are situated in urban areas beyond the routine reach of most camp-based refugees.
 - ▶ Short TVET courses provided by MoLSA have lower entry requirements but do not offer the same returns in terms of quality of teaching, qualification gained, or workplace recognition.
 - ▶ There are limited opportunities for work-based learning and apprenticeships, and these opportunities typically arise as the result of international funding. There is no legal barrier impeding refugee or IDP access to such programmes.
3. Lack of recognition of prior learning and qualifications is a key barrier to education and professional development.
- ▶ Refugees are treated as foreigners when applying for equivalency certificates related to their schooling or university education. This can constitute a barrier for refugees who do not have copies of their academic history or school records.
 - ▶ A recent UNESCO pilot of a qualifications passport appears to be an important and promising method of recognizing the secondary school qualifications of refugees who don't have access to their original documentation.
 - ▶ Absence of documentation and recognition of prior learning is a substantial barrier to some forms of TVET, which require evidence of minimum education and pre-existing technical qualifications.
 - ▶ Refugees with a background in some healthcare professions, such as nurses and paramedical staff, face additional barriers, as there is no framework for recognizing their qualifications in Iraq.
 - ▶ The TVQF recognized by law should improve refugee access to TVET because it should facilitate the process for refugees to have their qualifications recognized. However, it is too soon to understand how the law will operate in practice.

2.5.3 Refugee rights at work

1. Legally enforceable rights at work are generally not applicable to the majority of refugees who work in the informal sector.
- ▶ Protection in the labour market, and access to justice and legal services, are only available to refugees who are recognized under the 1971 Political Refugee Law in federally administered Iraq, and refugees with an asylum seeker/refugee residency in the KR-I. Refugees who fall into these categories receive the same protection under the 2015 Labour Law as Iraqi citizens or other workers.
 - ▶ Laws on labour rights, social protection and the right to association are geared towards workers in the formal labour market. None of these laws mention refugees and are often ill-equipped to regulate the reality of working conditions faced by refugees.
2. Trade Union regulations are restrictive and unions do not appear open to refugees.
- ▶ Iraq's Trade Union Law regulates and limits the formation of independent and representative unions, and unions often face interference in their activities.
 - ▶ Nationals whose countries allow Iraqis to join unions are also allowed to join trade unions in Iraq according to the principle of reciprocity. Outside this framework, refugees are not allowed to join trade unions. However, knowledge of the legal position was poorly understood and frequently disputed, and most people believed that refugees were not permitted to join unions.

3. Restrictions on freedom of movement are a substantial barrier to labour market access.
 - ▶ Refugees in federally administered Iraq who are recognized under the 1971 Political Refugee Law can use their registration card issued by PC-MoI to move within the governorates of federal Iraq.
 - ▶ While refugees who hold an asylum seeker/refugee residency issued by the KRG may move within the KR-I, they cannot enter federally administered Iraq without prior authorization. This is of particular concern for refugees who are unable to find employment in KR-I and wish to search for better opportunities in south and central governorates of Iraq but will risk arrest, detention, and deportation should they do so.
4. Assessing social security support to refugees was a theoretical exercise as none were employed formally.
 - ▶ Across Iraq, social protection for workers who are not civil servants is extremely limited
 - ▶ There is a draft Pension and Social Security Law currently before Iraqi Parliament which addresses the rights of workers in the private sector. The KRG has also drafted a new Social Security Law for Private Sector workers with many of the same provisions as that in federal Iraq, although it is yet to be finalized. This draft law presents an opportunity through which refugees covered by the 2015 Labour Law can secure their right and potential access to stronger social protection, in the form of pensions and social security.
 - ▶ Refugees work predominantly in the informal sector or informally within formal businesses, making it hard to enforce decent work conditions. Other studies have found that none of the employed persons in the target locations meets the ILO decent work conditions.²³²
 - ▶ Legal clarity regarding the right of refugees with work permits to access social security benefits is ambiguous, while social security provision for Iraqi citizens is already insufficiently accessible or rolled out.

2.5.4 Refugee access to naturalization

There is no clear legal pathway offered to refugees to obtain Iraqi citizenship.²³³ The conditions that are set out in the legislation – including legitimate entry to Iraq, and approval by MoI – mean that in reality, naturalization is out of reach for the vast majority of refugees.

▶ 2.6 Recommendations

- ▶ There is a vital need for legislation that recognizes refugees on wider grounds that reflect international standards. The absence of a comprehensive legal framework pertaining to the status of refugees presents a barrier to refugees accessing the labour market. This is fundamental for the recognition of additional rights, such as the right to work. Government and stakeholders should work together to develop and progress a legislative agenda that recognizes, defines and protects the rights of refugees in Iraq including their rights in the labour market.

²³² For example, see: DRC/UN Development Programme (UNDP)/UNHCR, "A Study of the Opportunities in Labour Markets for IDPs and Refugees in KR-I Construction Labour and Service-Sector Labour Market Systems," December 2014. Available at: <https://bit.ly/2UprErq>; Save the Children, "Assessment of Youth Labour Market and Entrepreneurship Opportunities in the KRG," 2014.

²³³ Hewa Haji Kehdir, 2020.

- ▶ The right to work is determined by location and which legal framework refugees are recognized under – that is, federal Iraq or KR-I. The economic opportunities available in both regions are also different. The two governments should cooperate to allow easier two-way freedom of movement between federal Iraq and KR-I, removing barriers to movement wherever security permits. PCMoI should recognize all refugees who are issued with an asylum seeker/refugee residency in the KR-I and vice versa, with the ultimate longer-term ambition of a single national asylum and refugee policy.
- ▶ Syrians in KR-I are often not granted full refugee status but instead are registered as “displaced persons” by the federal authorities, leading to legal uncertainty about their rights. Greater clarity around the status and legal rights of Syrians in Federal and KR-I would be beneficial.
- ▶ The ILO could advocate with MoLSA at federal and KRG levels as well as with social partners and other agencies for simplified procedures for obtaining work permits. There is also need to increase awareness and share information with both refugees and employers on refugees’ rights, entitlements and responsibilities related to access to labour markets.
- ▶ The draft Labour Law for KR-I (approved by the Council of Ministers but not yet ratified by the parliament at the date of writing) offers opportunities to strengthen formal recognition of refugee access to the labour market and ILO could provide technical assistance to MoLSA in KR-I in development of secondary legislation and implementation of the law.
- ▶ An estimated 95 per cent of all businesses operating in Iraq are unregistered. The ILO should advocate with relevant government stakeholders to encourage greater formalization of businesses by simplifying the procedures to make formalization more straightforward and creating clear incentives for business registration. As well as stimulating the private sector and creating a more stable and conducive business environment, this would also help create better working conditions and allow improved protection of workers’ rights and access to social security benefits. It would also increase tax revenues, which in turn are needed to provide public goods and services.
- ▶ The ILO should work with Vocational Training Centres to build capacity, better connect training participants with job opportunities and small loans for enterprise development, while also opening up such opportunities to refugees and encouraging participation by IDPs.
- ▶ The ILO should advocate for explicit recognition of refugees and IDPs within the national TVET strategy, in collaboration with agencies such as UNHCR and UNESCO who are already engaged in such advocacy.
- ▶ The ILO should initiate joint dialogues with the Central Bank of Iraq, private-sector financial institutions, governments and other agencies including UNHCR to improve access to bank accounts for refugees (for example by advocating for acceptance of refugee documentation), IDPs and the Iraqi population generally. Such measures could include simplifying application procedures, creating bank accounts and financial products tailored to people on low or unstable incomes, and building confidence and trust in banks more generally. This should use the ILO’s existing training course, “Making finance work for refugees, IDPs, and host communities,” which targets managers of financial service providers that serve or consider serving refugees and host communities with financial services, and has been piloted in the KR-I. These efforts should also be complemented by awareness raising among refugees, IDPs and host communities on banking and financial services, including rights and entitlements.
- ▶ The ILO should support unions to advocate for the removal of restrictions on freedom of association and establishing clear guidance – through the pending draft law or other policy measures – that permits refugees to create and join unions. Work with the unions that do exist, to encourage recruitment of eligible refugees to membership, and promotion of their activities in key economic sectors.
- ▶ The ILO could advocate with government stakeholders for simplified processes for recognizing refugees’ existing qualifications. There may also be opportunities to work with UNESCO to support and expand the refugee qualifications programme and encourage greater recognition and acceptance by private businesses.
- ▶ It is unlikely that land ownership for refugees will be politically feasible at present. However, in the long term, simplifying procedures for buying, selling and renting land, and improving security of tenure for renters, would be beneficial. For example, the government could streamline security clearances for

foreigners seeking to buy land. The government should work to improve the land rights of vulnerable groups more broadly, enabling displaced people, women, ethnic minorities and refugees to own land and providing stronger legal guarantees of security of tenure.

- ▶ The ILO should support the federal government and KRG to understand the incentives and disincentives to formal work, and provide technical assistance for formalization of the economy and the expansion of social protection schemes to the informal sector. This may help to create opportunities for refugees with an asylum seeker/refugee residency issues by KRG to access formal employment and social protection schemes decent work standards.
- ▶ The ILO should support the government to improve access to grievance mechanisms in places of employment that employ refugees and IDPs.
- ▶ The ILO should support the government to address the current legislative position that puts workers at risk of prosecution for breaches of the 2015 Labour Law.
- ▶ Finally, it is critical to work in partnership and coordination with other agencies through current coordination structures such as the Emergency Livelihood Cluster, the Cash Working Group, the Livelihood and Economic Inclusion Working Group as part of the response plans and other coordination forums.

Annexes

► Annex 1: Assessment template and research questions

The overarching global research and sub-research questions provided by ILO were tailored and contextualized to the Iraqi context, including a focus on IDPs as well as refugees. The questions guided the study and helped to ensure country-level findings can be aggregated and compared to other countries as necessary.

1. What is the socio-economic context?

1.1 What is the labour market situation in Iraq?

- 1.1a *What are the general trends in the labour market in terms of labour force participation, employment, under- and unemployment, formal and informal employment rates?*
- 1.1b *How would you describe the formal/informal labour market balance?*
- 1.1c *What are the characteristics of the labour market in terms of decent work deficits, child labour, informality? What is the situation in the labour market, regarding protections for worker's wages and working hours, working conditions, and occupational safety and health?*
- 1.1d *Which sectors provide the predominate formal/informal employment opportunities?*
- 1.1e *Who are the predominate providers of formal/informal employment opportunities? How are these opportunities divided between the public and private sectors?*
- 1.1f *Are there any quantitative or qualitative workforce shortages in certain areas/sectors/occupational fields?*
- 1.1g *Provide a summary of the decent work deficits experienced in the country/regions*
- 1.1h *Are there instances where an individual chooses not to participate in the local labour market although they may have the necessary skills? If so, what could be the reason for this?*
- 1.1i *Are there any existing ties of refugees and host communities to other countries, or country of origin that could be used to develop export/import opportunities and subsequently improve business and employment opportunities?*

1.2 What is the refugee and IDP context in Iraq?

- 1.2a *How did the refugees and IDPs arrive in this area? Where did they come from, and via what routes? Did they move frequently before coming here?*
- 1.2b *What are the main characteristics of the refugees, IDPs, and IDP returnees?*
- 1.2c *How would you describe the relationship between the governments of Iraq and neighbouring countries?*

- 1.2d *Is the country of study seen as a transit or destination country? What are the intentions of displaced persons?*
- 1.2e *What is the labour market situation of refugees and IDPs in the country in general terms?*
- 1.2f *What are the other socio-economic factors (political, cultural and environmental) that may be influencing the status of the labour market?*
- 1.2g *What are the prospects in regard to durable solutions for the refugees?*

2. What are the current relevant legislation, policies and regulatory frameworks insofar as these pertain to the access of refugees and IDPs to the labour markets but also their rights at work?

Including policies, legislation, secondary legislation, regulations, strategies, national development plans

2.1 What LEGISLATION, POLICIES, and REGULATORY measures exist in relation to refugee and IDP access to labour markets, including self-employment and business development?

- 2.1a *What are the policy measures/legal mechanisms in regard to governing the access of refugees and IDPs to the labour market?*
- 2.1b *What are the policy measures/legal mechanisms in regard to permitting refugees and IDPs to own or rent land?*
- 2.1c *What policy measures/legal mechanisms exist in regard to refugees and IDPs starting, improving and registering their own business?*
- 2.1d *What are the legal mechanisms in regard to permitting refugees and IDPs access to finance and financial services?*
- 2.1e *What are the legal mechanisms in regard to permitting refugees and IDPs access to business development services?*
- 2.1f *What are the legal mechanisms allowing refugees and IDPs to join or establish a cooperative?*
- 2.1g *What are the policy measures/legal mechanisms in regard to refugees and IDPs accessing employment services?*
- 2.1h *What are the policy measures/legal mechanisms in regard to accessing SIM cards, opening bank and mobile money accounts for refugees and IDPs?*
- 2.1i *What are the policy/legal mechanisms in regard to preventing different forms of discrimination, providing equality of treatment for refugees and IDPs, and recognizing the specific needs of women, youth and persons with disabilities?*

2.2 What LEGISLATION, POLICIES, and REGULATORY measures exist specifically in relation to refugee access to training?

- 2.2a *What are the legal mechanisms in regard to supporting refugees with formal work-based learning?*

- 2.2b** *What are the legal mechanisms that provide refugees access to formal education and training, including vocational training and national certification?*
- 2.2c** *What are the legal mechanisms that allow refugees to have access to formal grants or allowances to support their access to skills development?*
- 2.2d** *What are the legal mechanisms in regard to the host country recognizing and accrediting the vocational, academic and professional qualifications or prior learning attained in the refugee's country of origin?*
- 2.2e** *What are the legal mechanisms in regard to accessing entrepreneurship and business start-up training?*

2.3 What LEGISLATION, POLICIES, and REGULATORY measures exist specifically in relation to protecting refugee rights at work?

- 2.3a** *What are the legal mechanisms in regard to ensuring that refugees are protected in the labour market? For example, do they receive social security benefits? How are their working conditions, occupational safety and health, wages and working hours protected, in law and in practice?*
- 2.3b** *What are the legal mechanisms in regard to ensuring refugees have the right of freedom of movement?*
- 2.3c** *What are the legal mechanisms in regard to ensuring refugees have access to social security benefits?*
- 2.3d** *What are the legal mechanisms in regard to refugees participating in representative organizations, including in relation to their right to form and join trade unions, and participate in collective bargaining mechanisms?*
- 2.3.e** *Do refugees and IDPs have access to justice and judicial remedies against abusive labour practices and working conditions?*

2.4 What LEGISLATION, POLICIES, and REGULATORY measures exist specifically in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?

- 2.4a** *What are the legal mechanisms in regard to refugees becoming permanent residents or citizens of the host country?*

3. What are the current gaps in relevant legislation, policies and regulatory frameworks insofar as these pertain to the access of refugees to the labour markets but also their rights at work?

Including policies, legislation, secondary legislation, regulations, strategies, national development plans

3.1 What GAPS exist in relation to refugees' access to labour markets, including self-employment and business development?

- 3.1a** *What are the legal mechanism gaps in regard to governing the access of refugees to the labour market?*
- 3.1b** *What are the legal mechanism gaps in regard to permitting refugees to own or rent land?*
- 3.1c** *What legal mechanism gaps exist in regard to refugees starting, improving and registering their own business?*

- 3.1d *What are the legal mechanism gaps in regards to permitting refugees access to financial services?*
- 3.1e *What are the legal mechanism gaps in regard to permitting refugees access to business development services?*
- 3.1f *What are the legal mechanism gaps allowing refugees to join or establish a cooperative?*
- 3.1g *What are the policy/legal mechanism gaps in regard to refugees accessing employment services?*
- 3.1h *What are the policy/legal mechanism gaps in regard to accessing SIM cards, opening bank and mobile money accounts for refugees?*
- 3.1i *What are the policy/legal mechanism gaps in regard to preventing different forms of discrimination, providing equality of treatment for refugees and recognizing the specific needs of women, youth and persons with disabilities?*

3.2 What GAPS exist specifically in relation to refugee access to training?

- 3.2a *What are the legal mechanism gaps in regard to supporting refugees with formal work-based learning?*
- 3.2b *What are the legal mechanism gaps that provide refugees access to formal education and training?*
- 3.2c *What are the legal mechanism gaps, constraints that allow refugees to have access to formal grants or allowances to support their access to skills development?*
- 3.2d *What are the legal mechanism gaps in regard to the host country recognizing and accrediting the vocational, academic and professional qualifications or prior learning attained in the refugee's country of origin?*
- 3.2e *What are the legal mechanism gaps in regard to accessing entrepreneurship and business start-up training?*

3.3 What GAPS exist specifically in relation to protecting refugee rights at work?

- 3.3a *What are the legal mechanism gaps in regard to ensuring that refugees are protected in the labour market? For example, do they receive social security benefits? How are their working conditions, occupational safety and health, wages and working hours protected, in law and in practice?*
- 3.3b *What are the legal mechanism gaps in regard to ensuring refugees have the right of freedom of movement?*
- 3.3c *What are the legal mechanism gaps in regard to ensuring refugees have access to social security benefits?*
- 3.3d *What are the legal mechanism gaps in regard to refugees participating in representative organizations, including in relation to their right to form and join trade unions, participate in collective bargaining mechanisms and to access justice and judicial remedies against abusive working conditions?*

3.4 What GAPS exist specifically in relation to naturalization pathways open to refugees through immigration/asylum policies and regulations?

- 3.4a *What are the legal mechanism gaps in regard to refugees becoming permanent residents or citizens of the host country?*

4. What is the current practice in regard to the implementation of relevant legislation, policies, and regulatory frameworks insofar as these pertain to the access of refugees and IDPs to the labour markets but also their rights at work?

Including policies, legislation, secondary legislation, regulations, strategies, development plans

4.1 What is the CURRENT PRACTICE, where legal mechanisms are established and governments apply the right to work, including self-employment and business development for refugees and IDPs, including any barriers that may affect the application of this right?

Review the practices in relation to access to labour markets, but also practices relating to: owning or renting land; starting, improving and registering businesses; access to finance and financial services; access to business development services; joining or establishing a cooperative; accessing employment services; accessing SIM cards, opening bank and mobile money accounts for refugees

- 4.1a *Which actor(s) is/are responsible for the implementation of the identified legal mechanisms in relation to access to labour markets?*
- 4.1b *Are there any mechanisms in place that quantify or reliably report on the implementation of the identified legal mechanisms in relation to access to labour markets?*
- 4.1c *Does the implementing entity have sufficient material resources to implement the identified legal mechanisms in relation to access to labour markets?*
- 4.1d *Does the implementing entity have sufficient skills and capacity to support the access to this right?*
- 4.1e *Are there bureaucratic hurdles that affect the application of these rights?*
- 4.1f *Do refugees and IDPs have information about their rights?*
- 4.1g *Are there any external organizations or actors involved in capacity-building activities to improve the implementation of the identified legal mechanisms in relation to access to the labour market?*
- 4.1h *What is the attitude of employers and national workers in relation to access to labour markets for refugees and IDPs?*

4.2 What is the CURRENT PRACTICE specifically in relation to refugee access to training?

This refers to refugees' access to formal work-based learning, access to formal education and training, including vocational training, access to formal grants or allowances to support their access to skills development, recognizing and accrediting the vocational, academic and professional qualifications or prior learning, accessing entrepreneurship and business start-up training.

- 4.2a *Which actor(s) is/are responsible for the implementation of the identified legal mechanisms in relation to refugee access to training?*
- 4.2b *Are there any mechanisms in place that quantify or reliably report on the implementation of the identified legal mechanisms in relation to refugee access to training?*
- 4.2c *Does the implementing entity have sufficient material resources to implement the identified legal mechanisms in relation to refugee and IDP access to training?*

- 4.2d *Does the implementing entity have sufficient skills and capacity to implement the identified legal mechanisms in relation to refugee and IDP access to training?*
- 4.2e *Do refugees have information about their rights?*
- 4.2f *Are there any external organizations or actors involved in capacity-building activities to improve the implementation of the identified legal mechanisms in relation to refugee access to training?*

4.3 What is the CURRENT PRACTICE specifically in relation to protecting refugee rights at work?

Practices in relation to: labour protection, freedom of movement, access to social security benefits, freedom of association.

- 4.3a *Which actor(s) is/are responsible for the implementation of the identified legal mechanisms in relation to protecting refugee rights at work?*
- 4.3b *Are there any mechanisms in place that quantify or reliably report on the implementation of the identified legal mechanisms in relation to protecting refugee rights at work?*
- 4.3c *Does the implementing entity have sufficient material resources to implement the identified legal mechanisms?*
- 4.3d *Does the implementing entity have sufficient skills and capacity to implement the identified legal mechanisms in relation to protecting refugee rights at work?*
- 4.3e *Are there any external organizations or actors involved in capacity-building activities to improve the implementation of the identified legal mechanisms in relation to protecting refugee rights at work?*

4.4 What is the CURRENT PRACTICE specifically in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?

- 4.4a *What entity is responsible for the implementation of the identified legal mechanisms in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?*
- 4.4b *Are there any mechanisms in place that quantify or reliably report on the implementation of the identified legal mechanisms in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?*
- 4.4c *Does the implementing entity have sufficient material resources to implement the identified legal mechanisms in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?*
- 4.4d *Does the implementing entity have sufficient skills and capacity to implement the identified legal mechanisms in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?*
- 4.4e *Are there any external organizations or actors involved in capacity-building activities to improve the implementation of the identified legal mechanisms in relation to naturalization pathways open to refugees through immigration or asylum policies and regulations?*

► Annex 2: Research participants

Key informant interviews (KIIs)

Location	Key informant description	Area of expertise
Erbil	Ministry of Labour and Social Affairs – Labour Law	Legal and policy frameworks for labour market access, rights at work or social security
Erbil	Ministry of Labour and Social Affairs – Business Development	Business support, access to finance
Erbil	Ministry of Labour and Social Affairs – Vocational Education and Training	Vocational education and training
Erbil	General Directorate of Company Registration	Business registration
Erbil	Ministry of Education	Recognition of qualifications
Erbil	Ministry of Interior	Residency and regulation of refugees and IDPs
Erbil	Ministry of Agriculture	Access to finance, loans, training, work related to agriculture
Erbil	UNHCR legal officer	Overview of legal system
Erbil	IOM Head of Legal Programme	Working conditions of refugees and IDPs
Erbil	IOM Head of Legal Programme	Organizations working with refugees and IDPs on labour or legal issues Understanding of refugee situation
Erbil	UNHCR Senior Economic Development Officer	Organizations working with refugees and IDPs on labour or legal issues Understanding of refugee situation
Baghdad	Ministry of Labour and Social Affairs - Labour Law	Rights at work – social security or access to finance
Baghdad	Ministry of Labour and Social Affairs - Business Development	Legal and policy frameworks for labour market access
Baghdad	Ministry of Labour and Social Affairs - Vocational Education and Training	Vocational education and training
Baghdad	General Directorate of Company Registration	Business registration
Baghdad	Ministry of Education	Recognition of qualifications
Baghdad	Ministry of Interior	Residency and regulation of refugees and IDPs
Baghdad	Ministry of Agriculture	Access to finance, loans, training, work related to agriculture
Baghdad	Lawyer (with focus on labour rights)	Verification and validation of sources and overview of legal system
Baghdad	Lawyer (with focus on refugee or IDP issues)	Working conditions of refugees and IDPs
Baghdad	IOM	Organizations working with refugees and IDPs on labour or legal issues Understanding of refugee situation
Baghdad	Labour lawyer	Organizations working with refugees and IDPs on labour or legal issues Understanding of refugee situation
Remotely	UNESCO	Organizations working with refugees and IDPs on TVET and access to training opportunities Streamline into the labour market.
Baghdad	General Federation of Iraqi Trade Unions	Represents trade unions in Iraq

Location	Key informant description	Area of expertise
Baghdad	Iraqi Federation of Industries	Represents businesses and employers in industry
Baghdad	Central Bank of Iraq	Access to finance
Dohuk	Local Vocational Education and Training Centres	Vocational education and training
Erbil	Local Vocational Education and Training Centres	Vocational education and training
Ninewa and Mosul	Local Vocational Education and Training Centres	Vocational education and training
Dohuk	Organizations working with refugees and IDPs on labour or legal issues in the specific location (e.g. NRC, IOM, UNHCR)	Working conditions of refugees and IDPs in that governorate
Erbil	Organizations working with refugees and IDPs on labour or legal issues in the specific location (e.g. NRC, IOM, UNHCR)	Working conditions of refugees and IDPs in that governorate
Erbil	MoLSA directorates at governorate level	Labour and social affairs at local level
Ninewa and Mosul	MoLSA directorates at governorate level	Labour and social affairs at local level
Dohuk	IDPs with a small business (Yazidi)	Situation for business setup for IDPs
Erbil	IDPs with a small business (Arab or Yazidi)	Situation for business setup for IDPs
Ninewa and Mosul	IDPs with a small business (Arab)	Situation for business setup for IDPs
Dohuk	Refugees with a small business (probably Syrian, Arab or Kurdish)	Situation for business setup for refugees
Erbil	Refugees with a small business (probably Syrian, Arab or Kurdish)	Situation for business set up for refugees
Remotely	ILO workers' specialist	ILO Iraq and regional staff: decent work and labour law in Iraq
Remotely	ILO employers' specialist	ILO Iraq and regional staff: decent work and labour law in Iraq
Remotely	ILO labour rights specialist	ILO Iraq and regional staff: decent work and labour law in Iraq
Remotely	ILO social protection specialist	ILO Iraq and regional staff: social protection
Remotely	ILO Financial Inclusion and Enterprise Technical Office	ILO Iraq and regional staff: decent work and labour law in Iraq
Remotely	NGO specialist in TVET for IDPs and refugees	TVET for IDPs and refugees; formal education and training; partnership with MoLSA
Baghdad	Al-Iraqia university professor	Social protection

Semi-structured interviews

Displacement	Employment	Gender	Location	# SSIs
Refugees	Employed (where possible reflecting a variety of employment types, e.g. formal or informal, daily or seasonal, etc.)	Male	Dohuk Ninewa Erbil	1 1 1
		Female	Dohuk Ninewa Erbil	1 1 1
	Unemployed	Male	Dohuk Ninewa Erbil	1 1 1
		Female	Dohuk Ninewa Erbil	1 1 1
IDPs	Employed	Male	Dohuk (Yezidi) Dohuk (Arab) Ninewa Erbil	1 1 1 1
		Female	Dohuk (Yezidi) Dohuk (Arab) Ninewa Erbil	1 1 1 1
	Unemployed	Male	Dohuk (Yezidi) Dohuk (Arab) Ninewa Erbil	1 1 1 1
		Female	Dohuk (Yezidi) Dohuk (Arab) Ninewa Erbil	1 1 1 1
			Total SSIs	28

Focus group discussions

Displacement	Gender	Location	# FGDs
Refugees	Male (15–30 years)	Dohuk	1
	Female (15–30 years)	Dohuk	1
IDPs	Male (15–30 years)	Dohuk (Yezidi)	1
		Ninewa (Arab)	1
	Female (15–30 years)	Dohuk (Yezidi)	1
		Ninewa (Arab)	1
		Total FGDs	6

► Annex 3: Data collection tools

Key informant interviews

Labour lawyer

1	2.1 2.2 2.3 2.4	Besides the 2015 Labour Law (37/2015), are there any other laws that we should be aware of relating to the right of IDPs and refugees to access the labour market, rights to training, and rights to protection at work?
2	2.1b	What are the legal mechanisms in regard to permitting refugees to own land? To what extent do they work in practice?
3	2.1b	What are the legal mechanisms in regard to permitting IDPs to own land? E.g. regulations affecting buying and registering land, etc. To what extent do they work in practice?
4	2.1c	What legal mechanisms exist in relation to starting and registering a business? How does this framework apply to refugees? Does it apply equally to IDPs?
5	2.1d	Is there any legal mechanism pertaining to refugee or IDP access to finance (i.e. loans) and financial services? How are these applied in practice?
6	2.1e	What are the laws relating to forming a cooperative? To what extent do they work in practice? Would they also be applicable to refugees and IDPs?
7	2.3d	What are the laws relating to forming or joining a trade union or other collective bargaining mechanisms? To what extent do they work in practice? Would they also be applicable to refugees?
8	2.1h	What are the policy measures or legal mechanisms in regard to accessing SIM cards, opening bank and mobile money accounts for refugees?
9	2.2b	What are the legal mechanisms that provide refugees access to formal education and training including vocational training?
10	2.3a	Are there any legal mechanisms to ensure that refugees are protected in the labour market? For instance, are there specific mechanisms to protect: <ul style="list-style-type: none"> • wages and working hours? • working conditions? • occupational safety and health?
11	2.3c	Are there any laws or regulations that enable refugees have access to social security benefits? If yes, which benefits? How does this work in practice?
12		Are refugees and IDPs subject to any different laws or policies compared to other citizens? Please specify?
13	Q3	What, if any, further legislature is needed to improve: <ul style="list-style-type: none"> • refugee access to the labour market including self-employment and business development? • refugee access to training and skills certification opportunities? • refugee protection in the workplace? • refugee pathways to naturalization?
14		What priority level do you think the government will assign such issues?
15		What is the likelihood of legislative reform or new legislation after the election? Who or what entity would be able to initiate or advocate for new legislation and reform?
16	2.4a 4.4b	Could you explain the theoretical legal pathways for a refugee to become a permanent resident or citizen of Iraq? Does this ever happen in practice? Why not?

Ministry of Labour and Social Affairs

1	2.1a	What is the process for a refugee to get a work permit? Are there any challenges related to this process? What does it cost?
2	2.1c 4.1a 4.1e 4.1b	Are refugees permitted to own or rent land? What about IDPs? Which law or policy allows this? Which government body regulates this? In reality, do refugees or IDPs actually own land? How come (and if not)? Is there anyone that monitors or tracks this?
3	2.1c 4.1a 4.1e 4.1b	Are refugees permitted to start and register a business? Which law regulates this? Which government body regulates this? In reality, do refugees and IDPs start businesses? If so, what are the main types of businesses? Is there anyone that monitors or tracks this?
4	2.1d/h 4.1a 4.1e 4.1b	Are refugees permitted to open bank accounts or get loans? Which law regulates this? Which government body regulates this? In reality, does this ever happen? Is there anyone that monitors or tracks this?
5	2.1g	Are employment services available, and do IDPs and refugees have access to these services?
6	2.1f 4.1a 4.1e 4.1b	Are refugees allowed to join or start a cooperative? Which law regulates this? Which government body regulates this? In reality, does this ever happen? Is there anyone that monitors or tracks this?
7	2.3d	To what extent do the laws relating to forming or joining a trade union or other collective bargaining mechanisms work in practice? Would they also be applicable to refugees?
8	2.1l	Are there any laws or policies to protect refugees from discrimination when seeking work?
9	2.3	Are there any legal protections for refugees who are working? What are these laws or policies? Are these policies enforced? Do enforcement cases ever reach the courts?
10	2.3c 4.3	Would refugees in the formal workplace be entitled to any social security benefits? Which benefits exactly? Which law or policy regulates this? Is there anything that might prevent a refugee from accessing benefits they are entitled to?
11	2.2d	What are the legal mechanisms in regard to the host country recognizing and accrediting prior learning and/or professional qualifications attained in the refugee's country of origin? Which government body regulates this?
15	4.1g	Do you or any other organizations provide information for refugees about their rights to work in Iraq?

MoLSA – TVET

1	4.2	What body is responsible for: <ul style="list-style-type: none"> • recognizing professional qualifications of refugees? • providing access to vocational training to refugees? • providing grants or allowances to support refugee skills development?
2	2.2	What is the legal or policy basis for these responsibilities? i.e. what laws guide these responsibilities?
3	4.2c 4.2d	<i>If any laws or policies are identified...</i> How well do you think these are being implemented and enforced? What challenges exist? Recognizing prior learning and/or professional qualifications of refugees? Providing access to vocational training to refugees? Providing grants or allowances to support refugee skills development?
4	4.2b	Are you able to monitor refugees' access to vocational training? What systems are in place?
5	3.2	Are there any laws or policies that Iraq is missing with regard to refugees' access to training opportunities?
6	4.2e	Does the Authority provide any information to refugees about their rights to education or training? If no, who does so?
7	2.2c	Do workplaces offer formal trainings in Iraq? In theory, would these be open to refugee employees? Do employers sponsor work permits or naturalization for refugee employees?

Ministry of Education

1		What responsibilities does the Ministry of Education have toward refugee training and education?
2	2.2d	Does the Ministry of Education play a role in recognizing professional qualifications of refugees from their home country? If yes, how does this work? If no, who is responsible for this?
3	2.2a	Are there any formal grants or allowances available for skills training? In theory, would refugee workers be allowed access to them?
	2.2b	Are you able to monitor refugees' access to higher education? What systems are in place?
4	4.2b	Are you able to monitor refugees' access to vocational training? What systems are in place?
5	4.2e	Does the Ministry of Education provide any information to refugees about their rights to education or training? If no, who else does so?
6	4.2f	Are you aware of other organizations providing refugee skills training?

Ministry of Interior

1	2.1a	What is the process for a refugee to get a work permit? Are there any challenges related to this process?
2	2.1b 4.1a 4.1e 4.1b	Are refugees permitted to own or rent land? Which law or policy allows this? Which government body regulates this? In reality, do refugees actually own land? How come (and if not)? Is there anyone that monitors or tracks this?
3	2.1c 4.1a 4.1e 4.1b	Are refugees permitted to start and register a business? Which law regulates this? Which government body regulates this? In reality, do refugees start businesses? Is there anyone that monitors or tracks this?
4	2.1d/h 4.1a 4.1e 4.1b	Are refugees permitted to open bank accounts or get loans? Which law regulates this? Which government body regulates this? In reality, does this ever happen? Is there anyone that monitors or tracks this?
5	2.1f 4.1a 4.1e 4.1b	Are refugees allowed to join or start a cooperative? Which law? Which government body regulates this? In reality, does this ever happen? Is there anyone that monitors or tracks this?
14	4.4	Article 6 of the 2006 Nationality Law provides for naturalization. In reality, is this possible for refugees? Is there a difference depending upon the nationality of the refugee?

NGOs with refugee focus (working on labour and employment related issues)

1	4.1	Do any NGOs working here have a mandate to help refugees get formal or informal work? How is this going? Any difficulties?
2	4.1	Are there any government schemes in this area to integrate refugees or IDPs into the workforce? If so, please give details and who is responsible?
3	4.1	Are refugees in this area setting up their own businesses? Are they doing so formally or informally? Do they have access to loans or microcredit?
4	4.1f	Do you or any other organizations provide information to refugees about how to get a job or to set up a business?
6	4.2	Do you or any other government or non-government organization have any mandate to help refugees get access to skills training? How is this going? Any difficulties?
7	4.2	Are there opportunities for refugees to access vocational trainings or apprenticeships?
8	4.2f	Are you or any other organization providing information to refugees about how they can access skills training?
9	4.3 2.3c	Do workers here get access to social security benefits? If a refugee was a worker, would they be able to access these benefits?

10	4.3 2.3d	Are workers allowed to join trade unions or other types of representational organization? In theory, would a refugee worker be allowed to join one?
----	-------------	--

Ministry of Agriculture

1	2.1c 4.1a 4.1e 4.1b	Are refugees permitted to own or rent agricultural land? Which law or policy allows this? Which government body regulates this? In reality, do refugees actually own agricultural land? How come (and if not)? Is there anyone that monitors or tracks this?
2		Are there any other means for refugees to legally use land?
3		Is there any likelihood of policy change here in the future?
4	2.1d	Are refugees entitled to agricultural loans or grants? What policy and body regulates this? In practice what happens?
5	2.1d	Are IDPs entitled to agricultural loans or grants? What policy and body regulates this? In practice what happens?
6	2.2b	Are refugees entitled to training related to agricultural practices? What policy and body regulates this? In practice what happens?
7	2.2b	Are IDPs entitled to training related to agricultural practices? What policy and body regulates this? In practice what happens?

General Directorate of Business Registration (KR-I) and Ministry of Trade (federal Iraq)

1		What is the responsibility of the Directorate or Ministry with regard to the business registration and business support?
2	2.1c 4.1a 4.1e 4.1b	Are refugees permitted to start and register a business? Which law regulates this? Could you describe the process, including the steps, costs, time frame, etc.? Which government body regulates this? In reality, do refugees and IDPs start businesses? If so, what are the main types of businesses? Is there anyone that monitors or tracks this?
3	2.1d/h 4.1a 4.1e 4.1b	Are refugees permitted to open bank accounts or get loans? Which law regulates this? Which government body regulates this? In reality, does this ever happen? Is there anyone that monitors or tracks this?
4		Does the Directorate or Ministry have any programmes that target refugees or IDPs, or any outreach?

IDPs and/or refugees with a small business

1	2.1c	Could you tell us about your business? What type of business? When did you start it?
2	2.1c	Is it formally registered? If yes, what was the process exactly? If no, have you tried to register it? What are the challenges in registration?
3	2.1c 4.1a 4.1e 4.1b	In your understanding are IDPs and refugees permitted to start and register a business? What are the limitations? (if any) Which government body regulates this? In reality, do refugees and IDPs start businesses? If so, what are the main types of businesses? Is there anyone that supports IDPs and refugees to start businesses?
4	2.1d/h 4.1a 4.1e 4.1b	Were you able to open a bank account? Were you able to get a loan or credit for your business? How? Are there any organizations or government departments helping refugees to get a business loan or credit? How does it work? Is it effective? What are the shortcomings?

Focus group discussions and semi-structured interviews

Employed refugees and IDPs

		Question	Prompts
1		What jobs do you have? What kinds of jobs are available in your area? What kind of jobs are most common within your community?	
2	4.1e 4.1h	Have you had any problems with your right to work? How do employers here generally treat refugees or IDPs who are looking for jobs? How do they treat refugee or IDP employees?	Probe for any barriers relating to discrimination by employers, harassment or questioning by authorities, other challenges related to the right to work.
3		Are you aware of any specific laws protecting your rights as an employee?	
5	4.1 2.1d 2.1e	Has anyone tried to start their own business? Tell us about it... Were you able to get any credits or loans? From where? If no, what were the challenges? Were you able to access any business training opportunities? If no, what were the challenges? Were there any government or NGO schemes that helped you start your business? If yes, how? What are the three most important elements that helped you start a business, and why?	
6	4.2e 4.2f	Are there any platforms, schemes or support for refugees to get jobs here? From whom? How do you know about these opportunities?	Probe for kinds of: employment services, referral mechanisms skills training or vocational training business startup training livelihood training
7	4.2d	Do employers here recognize prior learning and qualifications you bring from your home country? How do you get these qualifications recognized? What happens if you cannot get them recognized?	
8	3.4a	Has anyone tried to get Iraqi nationality? How was that experience? If no, what do you know about the process? What are the advantages and disadvantages of having the Iraqi nationality? What are the advantages and disadvantages of residency compared with nationality?	

Unemployed Refugees / IDPs

		Question	Prompts
1		Have you tried to look for a job here?	
2	1.1h	If not, why not?	Probe to see if anyone has skills that they are unable to use or if they feel they don't have the right skills. Structural barriers like barriers to movement, lack of registration, safety and security concerns
3	4.1e	If yes, what was the experience like? What were the reasons that you were successful or not successful in getting a job?	Probe for any discrimination against refugees (any legal basis, i.e. no work permit, or preference for citizens, or prejudice) Probe for discrimination regarding foreign qualifications
4	4.1 2.1d 2.1e	Has anyone tried to start their own business? If not, why not? If yes, tell us about it... Were you able to get any credits or loans? From where? If not, what were the challenges? Were you able to access any business training opportunities? If not, what were the challenges? Were there any government or NGO schemes that helped you start your business? Where did you find information to start your business?	
5	4.2	Are there any opportunities for refugees to get any skills or vocational training here? From whom? How do you know about these opportunities?	
6	3.4a	Has anyone tried to get Iraqi nationality? How was that experience? If not, what do you know about the process? What are the advantages and disadvantages of having the Iraqi nationality? What are the advantages and disadvantages of residency compared with nationality?	



International
Labour
Organization

Made possible by support from the



Kingdom of the Netherlands