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Legislation

No. 21

Migration and displaced Ministry Law

No. (21) of 2009

قانون وزارة المجرى والمهجرىن

Translated in

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In the name of people Presidency Council

Based on what had been approved by the Parliament in accordance with the provisions of Item (1) of Article (61) and due to the lapse of the legal period stipulated in Item (Fifth/ a) of Article (138) of the Constitution, the following law was issued:

NO. (21) OF 2009

**MIGRATION AND DISPLACED
MINISTRY LAW**

CHAPTER ONE

FOUNDATION AND GOALS



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ARTICLE 1

A ministry called (Ministry of Migration and Displaced) shall be established. It shall have a legal personality and shall be represented by the Minister of Immigration and Displaced or whomever he/ she authorizes.

ARTICLE 2

The Ministry shall aim to take care of those covered by the provisions of this law from the following categories, assist them, provide them with the required services in the various required fields, and seek to secure solutions to address their situation in accordance with the law:

- First: Displaced Iraqi persons who have been coerced or had to flee their homes or left their usual place of residence inside Iraq to avoid the effects of armed conflict, situations of public violence, violation of human rights, natural disaster, human action, arbitrariness of authority or because of development projects.
- Second: Deported Iraqi persons who have been deported from their homes or usual place of residence to another location inside Iraq as a result of government policies, decisions or practices
- Third: Iraqi returning home from abroad or from internal displacement to live in their previous homes, their hometown, or their usual place of residence in Iraq, or in any place chosen by them to live inside Iraq after they had been subjected to forced migration.
- Fourth: Displaced persons whose Iraqi nationality was revoked in accordance with the repealed Resolution (666) of 1980, or who had to flee outside Iraq due to the persecution of the former regime and did not obtain asylum outside Iraq.
- Fifth: Refugees and asylum seekers who live outside Iraq due to forced migration and have obtained permanent residence there or acquired the nationality of another country.



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Sixth: Palestinian refugees who were forced to leave their homeland since 1948 and resided in Iraq legally and their asylum was accepted until the enforcement of this law.

Seventh: Refugees to Iraq of other nationalities as a result of exposure to persecution because of race, religion, belonging to a certain social group, political opinions or as a result of exposure to public violence or events that seriously disturb public security that threaten their lives, physical safety or freedoms, and whose asylum has been accepted in accordance with law and international agreements to which Iraq is a party.

ARTICLE 3

Within the framework of support, facilitation, coordination and provision of services in emergency circumstances regarding the categories stipulated in Article (2) of this law, the Ministry shall undertake the following:

- First: Dealing with their affairs as groups, with the exception of special cases that are determined in accordance with clear and specific standards that can be dealt with as individual cases.
- Second: Seeking to improve their conditions to reach a minimum as a basis determined by clear and specific standards in the light of United Nations guidelines, international laws, charters and customs, taking into consideration the national interest and internal considerations.
- Third: Giving the priority in accordance with the standards of poverty and humanitarian needs as well as other criteria.
- Fourth: Adopting the concept of proportional distribution in the application of standards and priorities
- Fifth: Coordinating and cooperating with stakeholders inside and outside Iraq to provide solutions or services.



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CHAPTER TWO THE MINISTER

ARTICLE 4

- First: The Minister: The supreme head of the Ministry and responsible for the implementation of its policy, functions, supervision and controlling of its effectiveness, activities and good functioning. He may issue instructions, bylaws, decisions and orders in all matters related to the Ministry's affairs.
- Second: The minister may delegate some of his/ her functions to the Ministry's two undersecretaries or to any of the Ministry's general directors.

ARTICLE 5

- First: The Ministry shall have two undersecretaries who assist the Minister to carry out the tasks entrusted to them by him/ her.
- Second: The Ministry shall have an advisor who advises the Minister on the subjects referred to him/ her.

ARTICLE 6

- First: The minister may invite the Inspector General of the ministry to attend the Ministry's meetings, where necessary.



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Second: The Minister may seek expertise and competence from outside the Ministry to seek their opinion, where necessary.

ARTICLE 7

A committee named (The National Committee for Migration and Displaced) shall be formed in the Ministry and shall be chaired by the Minister and the membership of a number of experts and specialists from within the Ministry, none of them has a post less than a Director General, it shall coordinate and consult with the Ministry and other ministries on all matters relating to national policies and issues pertaining to the categories provided for in this law, and its members, tasks and meeting dates and workflow shall be determined by instructions issued by the Minister.

ARTICLE 8

The emergency operations room shall be formed under the chairmanship of the Minister or his/ her representative and a number of stakeholders in the Ministry's departments to deal with emergency situations to which the categories provided for in Article (2) of this Law are exposed in coordination with ministries, competent agencies, civil society organizations and relevant international organizations to provide adequate resources and take the necessary action to deal with such cases.



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CHAPTER THREE ORGANIZATIONAL STRUCTURE

ARTICLE 9

The Ministry shall be consisted of the following formations:

First: General Inspector Bureau.

Second: Migration Affairs Department.

Third: Branch Affairs Department.

Fourth: Administrative and Financial Department

Fifth: Legal Department.

Sixth: Planning and Following-up Department.

Seventh: Information and Research Department.

Eighth: Audit and Internal Control Section.

Ninth: Minister Office.

Tenth: Press Office.

ARTICLE 10

First: Each of the ministry stipulated in Article (9) of this law shall be managed by an employee with the title of General Director who holds at least an initiative university



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degree and who has experience and specialization in the tasks of the department and has service in his/ her field of work that is not less than (15) fifteen year.

Second: The formations stipulated in Items (Eighth), (Ninth) and (Tenth) of Article (9) of this law shall be managed by an employee titled Director who holds an initial university degree and who has experience and specialization and has service in his/ her field of work not less than (8) eight years.



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CHAPTER FOUR

GENERAL AND FINAL PROVISIONS

ARTICLE 11

First: The tasks and formations of the departments stipulated in Article (9) of this law shall be determined by a bylaw issued by the Minister.

Second: The Minister may create, abolish, merge or amend the association of departments or divisions within the Ministry.

ARTICLE 12

The Ministry, in coordination with the Ministry of Foreign Affairs, may open branches in the Iraqi representations in the countries where there is an Iraqi community for the purpose of taking care of the affairs of the displaced and immigrants in those countries.

ARTICLE 13

The order of the (dissolved) Coalition Provisional Authority, No. (50) of 2004, Ministry of Deported and Displaced shall be repealed.



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ARTICLE 14

The Minister may issue the necessary regulations and instructions to facilitate the implementation of the provisions of this law.

ARTICLE 15

This law shall be enter in the force as of the date of its publication in the Official Gazette.