

Crime of illegal immigration in Iraq

جريمة الهجرة غير الشرعية في العراق

الكلمات المفتاحية :

International Labor Organization منظمة العمل الدولية

Schengen Convention new immigration operations اتفاقية شنغن

Immigration Law قوانين الهجرة

Crime جريمة الاتجار بالبشر

New Passport Law No.32 for the year 2015 Iraq

قانون الجوازات الجديد رقم ٣٢ لسنة ٢٠١٥

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Introduction

The phenomenon of illegal immigration began to increase, and thus has become the case of interest to the community, both among the Arab States, or among the States of the Arab and the European Commission. And the illegal immigration problem to States which resorted to these immigrants and the head of the European countries which are at the top of the countries that receive large numbers of illegal migrants from the countries of North Africa in particular. But this phenomenon is not new, they have started since the 1960s of the last century, the International Labor Organization estimates that the average size of illegal immigration increased from 10-15% The number of migrants in the world, the International Organization for Migration are estimated that the volume of illegal immigration to countries of the European Union countries up to 1.5 million individuals. The European organization for the Border Control of the European Union declared that the proportion of illegal migrants entering the European Union countries, increased by 250% during the months of January and February 2015, compared with the same period in 2014. Although there are no official estimates on the preparation of illegal migrants; remain informal reports of research studies and an initial indication of the size of the position of the phenomenon, which are no longer limited to a specific State refer to that migrant conference +; are clearly in Syria, Iraq, Egypt, Tunisia, Libya, Yemen and Morocco, as well as many African states that the Arab, especially overlooking the Mediterranean Sea, station or transit State to go to Europe. The definition of illegal immigration .

1-Overview

The historical origins of Illegal Migration

The former immigration is easy, depending on the objectives set in advance, the adoption of artificial borders borders established between States and conflicting political and economic interests increased restrictions on the immigration issue, with successive waves of immigration in different parts of the world, and especially in recent decades, which have been observed from the south toward the north.

It is clandestine and illegal migration become a global phenomenon that exists in all developed countries such as the United Nations, the European Union or in developing countries in Asia and state of arab Gulf, or Arab Mashreq countries, becoming handy from the states of Europe and a haven for immigrants from neighboring countries.

But this phenomenon assumed great importance in the Mediterranean in view of the interest of the media, constitute an essential bet in the relations between the two shores.

Perhaps this explains how the estimates provided by this or that side remain inconsistent, ILO estimated the size of the secret migration between 10- 15% of the number of migrants in the world, according to recent estimates made by the United Nations about 180 million people.

According to the International Organization for Migration, the size of the illegal migration in the countries of the European Union about 1.5 million individuals.

In Europe, for example, the European Police (EUROPOL) estimated the number of illegal immigrants in the countries of the European Union about half a million illegal immigrants.

It should be recalled that this kind of migration is not modern the Covenant, was present in Europe in the 1960s, was out of these immigrants from Portugal and Spain and Morocco. Although the migration represents one of the most heavily traded concepts in the recent period they often recruited is ambiguous and opaque, due to the varying knowledge theses and angles of which deal with this concept. The following is an attempt to shed light on some of these concepts and terminology.

The twentieth century;

It can be said that the twentieth century was the century of mass exodus par excellence, and during this period of discrimination between two stations in the migration processes occurred during:

- Where mass exodus are from the north to the south, starting excursions by backpackers Europeans toward new worlds, followed by mass exodus political, military and by the European countries to the south of the Mediterranean to the depths of Africa is governed by the search for productive resources within the framework of the race of the colonial powers and the invasion of the prospects for a new geographical to achieve a more affluent society, and the race toward economic superiority.
- Specifically after World Wars I (1914-1918) and the second (1939-1945) has created a new situation found during which each of France, England, Germany, Italy, itself has just got out of the war lacks the human strength and is no longer available on the forearms necessary to build tomorrow, in dire need of more foreign labor to achieve the expected growth. Then proceeded to bring in Labor from each of Morocco and Algeria, Tunisia and south of the Sahara.

It is clear that all the operations of mass migration from the south to the north during the last three decades of the last century was determined by the need for the northern communities, and were undertaken by European conditions strict.

What is remarkable is that the last three decades of the last century formed a decisive stage in charting new migration in the Mediterranean basin, characterized by the registration of large numbers of immigrants from the south, accordingly we divide this stage to three stations in the following format:

The first stage before 1985

At this stage the European countries remained in need of permanent employment coming from the south, as these countries are in control of the entry of immigrants coming through the channels of the family gathering. The most important highlight of this stage that the immigrants coming from the south became the call for the countries of the North and their children's schools and demanding their rights as immigrants. All these reasons to encourage immigrants from countries of the south and motivate them to join the others who preceded them.

All these elements appeared for migrants “people” in the countries of the South and motivating them to join their counterparts, it appears that many of them have benefited from an inadvertent security systems and the European Commission in this stage.

The second phase (1985-1995)

Appeared in this stage several inconsistencies for aliens and harassment of immigrants to natives, this has coincided in the closure of coal mines in France, Belgium, which had been running large numbers of illegal entrants. As a result, increased desire to migrate toward the countries of the north, which led to the closure of borders to limit entry to Europe.

In the June 19, 1995 With the entry "Schengen Convention signed by France, Germany, Luxembourg, the Netherlands and the force which was to allow the free movement of persons residing within the borders of the European Union. But with the entry of Spain and Portugal to the European Union, immigration has taken on unexpected dimensions, especially after the Spanish authorities imposed more preventive measures before the new immigration operations, in an attempt to grant its citizens further integration into the European Union.

The third phase of the 1995-Now

This stage is the severe security nature, which moved from which European states to hard security policy approach through the implementation of the decisions of the "new immigration law," which is based on the adoption of strict measures with respect to the issue of the family gathering, and the conclusion of agreements with countries of the south on sending illegal residents. In reaction to this policy began what is now known as the illegal migration. Although the issue of illegal immigration has become an issue of concern to all States bordering the Mediterranean Basin, Morocco and Spain are two countries concerned more than such migration, especially that of Moroccan citizens constitute the largest number of illegal immigrants.

1- The concept of illegal immigration

To the topic of international migration and a complex network of determinants and consequences of demographic, social, political and economic moved to the forefront of national and international agendas, where the subject of migration in the past few years of the main issues of concern in a growing number of countries as a result of the exacerbation of the raised by the accelerating pace of greatly, which requires studied and analyses in A scientific way until we know the causes to facilitate ways to address them in a practical manner.

1-1 What the illegal immigration

Illegal immigration is the migration of people across national borders in a way that violates the immigration laws of the destination country. Illegal immigration is the way used by some people to travel from country to country illegally without any commitment of the laws or customs of the state wants to stay in, immigrant insensitively most wishing to immigrate illegal manner for several reasons may be oppressive, illegal immigration can be named several names secret migration, legal and illegal, and irregular .

As for the United Nations to establish a definition of the illegitimate migration as: “entry codified form an individual from one State to another through land or air or sea... not carrying this login any form of permanent residence permits or temporary, it also means the lack of respect for the necessary requirements to cross the borders of the State .

1-2: Types Of Illegal Immigration

The population registers an ideal source for the study of mass exoduses. In addition to the fact that the Register is a source not only rarely, exploited this end of the most difficult. Thus, the researcher forced resorting to patterns of information based on cutting the time and place, namely the two dimensions include including phenomenon, knew the whereabouts of persons in the consecutive dates on the basis of dividing the territory under study to a number of specific areas, will not consider mass exoduses only those that have led to a change in the presence of the person between two consecutive dates. Thus neglects the mass exoduses within a particular region and mass exoduses medium, if they occur before reaching the final station, total mass exoduses if there was a migration of return. An increasing number of mass exoduses abandoned as the remoteness of the dates and the widening of the area. If it is possible to get rid of the damage resulting from the study situations in the consecutive dates and the study only to conduct the note large restorative exhibitions, for example, the recourse to the dismemberment of the Territory to determine the situations of transition that will be considered as mass exoduses representing practically an utmost necessity.

Migration means that the movement of people is the result of changing the place of residence and the phenomenon that distinguishes this type of event. It is a matter of particular forms of mobility. Linked to the accuracy of precisely the content which will give the concept of place of residence, often refer those words to the place of residence of the person pc, any place of residence of the president. This reduces the number of transition situations that could be considered as mass exoduses. Except in particular situations of transition daily associated with the exercise of a particular profession or situations of transition of the tourist nature. On the other hand, the situation of the movement of semi-permanent some persons (nomads, sailors) does not allow families to take them into account in the studies of mass exoduses.

To take into account the area or a certain territory to lead to the identification of concepts such as internal migrations external migrations Zairean migration and migration inflows net migration and migration of the faculty. On the other hand, lead the study of mass exoduses as appropriate to be classified according to the rank of occur (migration from the first level, the immigration of the second level...) in addition to the studies repositioning of migration in the normal framework of demographic analysis be adopted quantitative petitions that other factors capable of interpretation of migration, especially the factors involved in the models of mass exoduses.

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Will we swear to this type of immigration and according to the rules of private international law to the two types:

(A) Type I: illegal immigration - in the conventional sense of the term - not to carry the immigrant travel document and enjoying the legitimate authorization to enter... this is the beginning of the mean that this person had walked out of his country of specific locations

commonly referred to, as well as the income of the State to be migration through not allowed required by the authorities of the State.

(B) Type II: Is starts illegally - all the foregoing but that person to codify placed under the laws of that State. Although migration optional process by individual willingly FOR A PARTICULAR PURPOSE (work, search for the advantages of better living standards, the establishment), the migration may be mandatory in a number of cases, cases where the individual compelled to leave their homeland and migration to another place under threat (wars, religious motives or political or economic) .

Finally Is the entry of persons to a country without legal procedures. They include the illegitimate migration:

- ❖ Persons who enter illegally to countries of destination and regularization of their status.
- ❖ Persons who enter and states of reception in a legal manner originating there after the expiry of the legal residence.
- ❖ Persons engaging in an illegal manner through the establishment of permitted.
- ❖ Persons who occupy a without stipulated in the contract of employment .

1-3 The difference between illegal immigration and trafficking in human beings

The smuggling of migrants and trafficking in human beings are both the offence involves the transfer of human individuals gain to win, but the trafficking in human beings, must the availability of additional elements were beyond the scope of the smuggling, any must involve trafficking in the form of what is not sound forms of recruitment means such as coercion or deception or otherwise, it must be the act has been committed for the purpose of exploitation, with that this purpose does not need not necessarily be has already been achieved.

The differences between trafficking and illegal migration is the next day:

- in terms of the act:

The acts in the crime of trafficking in the recruitment of persons or transferred or 2 or harbouring them or receive them, either in the crime of illegal immigration represent in the transfer or transfers of persons across the border illegally.

- in terms of the way:

In the crimes of trafficking in human beings through the threat or use of force or any form of coercion or abduction or fraud or abuse of authority or abuse of a position of vulnerability or of giving financial sums, either on the crime of illegal immigration, according to the desire of the same person, often initiate the illegal migrant contact traffickers in order to assist him in the implementation of the desire.

- in terms of the purpose

Display the objective in the crime of trafficking in human beings and the forms of exploitation, including prostitution or sexual exploitation, forced labor or slavery or practices similar to slavery and Member States.

The aim of the crime of illegal immigration to achieve personal benefit may be financial or material or otherwise, and ends with the exploitation of their arrival to their part, where free will.

- in terms of the requirement of the consent of the victim

In the crime of trafficking in human beings did not approve of the victims of trafficking had never been trafficked, even agreed to begin, such consent is meaningless due to the acts of coercive traffickers or booby traps or offensive cartoons in dealing with them, in the case of illegal immigration, the migrants fully aware of all the circumstances

surrounding the smuggling operation involving in most often hazardous conditions or degrading treatment, nevertheless, agree to smuggling.

- in terms of the site of the crime:

In the crime of trafficking in human beings, trafficking is located within the State concerned itself has taken the victims or transferring children to cope with them. In the crime of illegal immigration and smuggling is always transboundary in nature.

- in terms of the relationship between the victim and the perpetrator of the offence

In the crime of trafficking remain relationship throughout the period of exploitation, either in the immigration offence as there is normally a continuing relationship between the perpetrator of the offence and immigrant after the immigrant arrives to the intended destination.

- in terms of crime:

In the crime of trafficking the crime is committed in the individual, either in illegal migration and crime were perpetrated in the face of the State.

2. Illegal immigration in national and international legislation

Multiple and varied threats of illegal immigration on societies and the European countries receiving this is what made it a dangerous phenomenon, especially in the contemporary decimal, and this is the basis for the review of the increasing threats of illegal immigration, which affected the European security, especially after the Arab revolutions in Tunisia, Libya, Egypt, and Syria, which has led to the displacement of a huge amount of people toward the European countries to escape from the circumstances from which they suffer in their countries, and the pursuit of their security which led to the occurrence of the paradox in the Security Council where that while these individuals are struggling for their they constituted a threat to the security of others.

On this basis, the different threats which I represented, illegal immigration and still posed by the European continent and on the basis of affiliation to the many variables and epochs of time. And formed the events of 11 September 2001 a dangerous turn in the increased illegal immigration, and its negative impact on European security, therefore, found the motives which encouraged the adoption of the idea of combating illegal immigration on these factors.

In view of the risk of illegal immigration authorities organized the European Union many bilateral meetings and collective to find solutions for illegal migration and the growing risks to the States of the Union and all these meetings:

- 1- In 2005 held the annual conference of the Mediterranean countries of the Organization for Security and Cooperation in Europe, which dealt with the issue of the privacy of the role of the Organization in immigration policies and integration.
- 2- In 2006 a European conference - African descent to combat clandestine immigration in Rabat for a partnership between States in finding solutions to the sweet migrants and the link between aid and development and the fight against illegal immigration.
- 3- In 2008 the Paris Conference and the adoption of the European Union Convention on migration and asylum the proposal of France to regulate the flow of waves of migration in the light of the need for labor in the EU countries. Participated in the Paris conference of 80 delegations, including the delegations of Twenty-seven Member States of the European Union, and 27 African countries, 15 Member States of the Economic Community of West African States, the six members of the

Economic and Monetary Community of Central Africa and four members of the Arab Zagreb Union, Libya, Morocco, Mauritania and Tunisia, without the participation of Algeria, as well as to Egypt and the Democratic Republic of the Congo. The Conference of Paris a cooperation program in the period between 2009 and 2011 in the organization of legal immigration, the fight against illegal migration, and the strengthening of coordination and link between migration and development.

2.1 The illegitimate migration to the International Covenants

considered human migration from one region to another phenomenon of old humanitarian, human rights, where the circumstances of life, climatic and impose the attic of the ongoing transition from one place to another, Famine reflects underlying, poverty, earthquakes and floods, and the spread of diseases, wars, particularly civil wars, are all factors imposed on rights migration from the main home to countries and regions.

However, the Migration for Employment and the improvement of living conditions and the level of income or migration for investment, the so-called economic migration is a recent phenomenon and therefore the legal regulation of this type of migration is also newly structured.

The preamble of the Constitution of the International Labor Organization, which was founded in 1919 to protect the interests of workers employed in countries other than their own.

There are a number of international conventions of the International Labor Organization which makes the aims of the protection of the rights of migrant workers, including:

1 - International Convention No. 97 of 1949 on migration for work, and is considered the most important conventions which had dealt with the subject of migration, entered into force in May 1952m and the number of States which had ratified them (43) countries including Arab state only one is Algeria.

2 - The International Convention (No. 143) of 1975 on Migrant Workers (Supplementary Provisions), which entered into force in December 1978 but has not yet ratified any of the Arab States, this Convention is focused on illegal migration and international efforts required to combat this type of migration as also focus on achieving equality of opportunities and treatment between workers and citizens and others.

3. The International Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation, which entered into force in June 1960, the General Conventions which calls for equal opportunities and equal treatment in employment and occupation and the elimination of any discrimination. It is also considered one of the fundamental conventions that follow in accordance with the international follow-up of the International Labor Organization of the declaration of principles and fundamental rights at work, adopted in 1998. Until July 2005, all the states of the Gulf Cooperation Council had ratified the Convention except in the Sultanate of Oman.

The Limits of the terms of reference of the conventions of the International Labor Organization:

1. All the conventions of the International Labor Organization aimed at the protection of the rights of migrant workers and non-discrimination and equality, not only represent the minimum necessary for the protection of the labor rights of migrant workers.

2. The International Labor Organization have limited competence in other rights of migrant workers and non-labor rights such as culture, education and political participation.

3. The Organization conventions focus on migrant worker forensic and excludes the family members of the working group or migrant workers in an irregular manner the International Convention on the protection of the Rights of All Migrant Workers and Members of their families: the Convention adopted by the United Nations on 18 December 1990, was ratified in July 2003.

1. The comprehensive convention covering labor rights and cultural rights, education, health, housing and other.

2. Migrant workers to formal and non-formal.

3. Migrant Workers and Members of Their Families.

4. The Convention apply to all migrant workers without any consideration for work and residence, and therefore apply to workers temporary staff for a specific period.

One of the most important items on the provisions of the International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families:

1. The Convention stresses associated with the covenants on human rights and endorsed by the United Nations and that it is a part of these instruments.

2. Emphasizes that the migrant workers shall enjoy treatment not less into account from the treatment applied to nationals of the State in terms of remuneration and the conditions of work and employment (article 25).

3. Reaffirms paragraph (3) of the article (25), to ensure that the rights of migrant workers must be safeguarded even violated the immigrant working conditions of residence or employment (of illegal).

4. The right to social security and social insurance (article 27), which stipulates the enjoyment of Migrant Workers and Members of Their Families and the same treatment as nationals of the State in this regard, therefore, requires the introduction of migrant workers and their families to benefit from the advantages of pensionable remuneration - rights other insurance including migrant workers illegally).

5. The right to organize (article 26) should have the right to join a trade union, and any association established in accordance with the law in order to protect their economic and social interests, trade union and other interests.

- ❖ The article (40) of the Convention provides that migrant workers and members of their families and the right to form associations and trade unions for the promotion and protection of their economic, social and other interests.

6. The holiday of the right to political participation (article 42), which provides for the establishment of procedures or the establishment of institutions can be taken into account in the states of origin and States of the needs and aspirations of the special obligations of Migrant Workers and Members of Their Families and the workers and members of their families representatives in those institutions are elected freely.

- ❖ Paragraph (2) of article (42) emphasizes that the state to facilitate consultation with migrant workers and members of their families or their participation in decisions concerning the lives of local communities and management.

- ❖ *Paragraph (3) of the same article provides that may enjoy the migrant workers of political rights in the State action, if granted that State through the exercise of its sovereignty over such rights.

7. The right of residence and family reunification:

article (50) raised to consider the state of employment favorably to take into account the length of the period in which they resided in which members of the families of the migrant worker of the deceased.

Article (44) required to take appropriate measures to ensure that the unity of the families of migrant workers.

8. The right to education: article (30) The right of children of migrant worker in access to education, regardless of the extent of the legality of his residence is or any of his parents in the state of the Convention provides that the State integration of children of laborers .

2.2 The illegal migration in European conventions

Since many years controlled security concerns on Europe because of the flow of illegal migrants on the coastline and borders. Europeans believe that their lands, with the Spanish coasts, Italian, in addition to their borders with Turkey, is the European areas most susceptible to the “invasion” of illegal migrants coming from North Africa and the Middle East countries.

Did not the phenomenon of illegitimate migration constitute a crime in the European countries at the beginning of the 1930s to the late 1960s given the need for these communities of labor, but subsequently The presence of migrants in the territory has become a big fears prompted the enactment of laws for prevention from entering their presence poses a threat to the security and stability of altogether 1,926 embodies more after the events of 11 September 2001 and entrench largely held The Arab Uprisings and caused big problems in politics and the large numbers of displaced persons in all Arab and European countries to escape from the consequences of the wars in the Arab States.

It has become migration issues in most of the countries of the European group is classified as one of the most important security issues, especially in view of the possible relationship between terrorism and migrants, where it became possibilities contained the presence of the members of the terrorist groups between migrants and hovering suspicions on Muslims from Africa, and had focused attention by mainly on the necessity of stopping the flow of illegal migrants to the European beaches and the mechanisms to say the least security, in order to confront this phenomenon which would threaten their economies, thus became the European Union to consider the phenomenon of the flow of illegal migrants from the south to the north of the Mediterranean Sea as the source of all risks and constitute a threat to European security and this is what leads to the spread of the worsening of the other phenomena such as: organized crime, the drug trade, extremism The ethnic and religious, which

leads to the spread of instability and tensions.

The attention of European states in the issue of illegal immigration, the theme of requests for asylum in 1999. But to seek a united European policy among all the countries of the union has not only become clear in Saloniki held on 19 June 2003. With the convening of the summit in the light of the political developments and integration, which joined the European Union, after the ratification of the unified constitution and structures of the new union, benefits and expansion in the future east of the European continent. This summit tried to establish uniform standards for the states of the Union, to address the clandestine immigration, narrow access to Europe, but according to certain conditions. The summit failed because of the difference between the Europeans and in the assessment of the issue of migration, and its relevance for the European economies.

The European Union sought, and within the framework of the fight against illegal immigration to the conclusion and conventions relating to any person who entered the

territory of another state illegally, and for the work of the European Union and its member States to convince the countries of origin of migrants and states that passing through the approval of the conventions or items for entry in the framework of the policy of development assistance policy. It Tried to Western European countries to integrate these conventionspartnership agreements with the countries of the southern Mediterranean and Eastern Europe, but some countries rejected the introduction of nationals of a third State to its lands, which increased the difficulty.

Claimed Responsibility for the countries of the European Union policy of joint cooperation with the countries of North Africa, through the conclusion of bilateral agreements and other collective most important:

- 1- **the Convention concluded between Libya and Italy:** held in Tripoli in 2007, and under this Convention Governing Libya and Italy naval patrols number six naval pieces loaned temporarily from Italy, was on board joint crews from the two countries for the purpose of the work of the training and the configuration, and technical assistance on the use and maintenance of the pieces and the naval units of observation and search and rescue in both the Libyan waters or international, and there are several agreements between the two countries in the same regard, 2003.
- 2- **The Convention concluded between Tunisia and Italy :** and also providing Italy Tunisia equipment and devices and fast boats and the holding of annual training courses for police personnel specialized in the fight against illegal immigration, with the development of the system of information exchange between the two countries.
- 3- **The Convention on the Italy and Egypt :** provided to give sufficient time to the Egyptian data for the resettlement of its citizens with the Italian side all the costs of the process of resettlement of its citizens.
- 4- **The Convention on the Spain and Morocco :** and is a memorandum of understanding signed in 2003 to kerb illegal immigration bill of under this Convention allowed 200 seasonal workers from Morocco in Spain for more than 9 months and is a model of successful conventions within the framework of the fight against illegal immigration.
- 5- **The Convention on the Spain and Mauritania:** and this agreement in order to face the problem of outstanding ship carrying a number of illegal migrants in the Mauritanian coast were in their way to Spain, and under this agreement committed to Mauritania to deport those migrants to their countries and committed to Spain to establish a field hospital to receive injured them.
- 6- **The Convention on the Italy and Algeria:** under this Convention, has been deporting all Algerian emigrants illegal immigrants and had been repatriated more than one million people and had provided the Italian Government a work visa Algerians 2008_2009.

2-3. illegal migration in Iraqi law

The right to travel from the fundamental human rights provided for in many international instruments and conventions, the text of the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights of 1966 and other international conventions, which confirmed that the freedom of travel, which were fundamental freedoms indispensable, as contained in most of the constitutions in the articles of the express or implied, including the Iraqi constitution in force for 2005 which ensured the Iraqis in the article (15) The right to life and security of person and to liberty,

in article (44) within the constitution for all the Iraqis freedom of movement and freedom to travel and housing inside and outside Iraq.

Organizes its provisions the Passports Act new number (32) of 2015 and now after its publication in the Official Gazette (facts) in No.(4381) issued on 21/9/2015, which is composed of a (22) The reasons for ordering (for the purpose of Iraqi enjoyment of his constitutional rights and obtain a passport through facilitating the procedures for the granting of passports to ensure freedom of movement and in line with the approach of the New Democratic Party, this law).

It has begun in Iraq and in the region of Kurdistan as a federal law in force throughout Iraq, the Council issued the elimination in the region of Kurdistan in Iraq published a call in 1892 in 4/11/2015 on facilitating the implementation of this law in the territory through the allocation of a court of inquiry and the court of misdemeanors competent passport issues in each of the regions of Appeal (Erbil, Sulaymaniyah and Dahuk ٣Ckramaan).

Has been defined in article 1, paragraph (7) of the law of the passport that (the document issued by the state of Iraq for the purpose of travel outside Iraq or to return). The text of the article (2) of the four types of Passports and Passport diplomat (private and normal).

On the basis of article (3) of the new law, every Iraqi completed 18 years the right to obtain a passport, either did not complete this age the approval of his guardian or trustee, the Personal Status Court and the court of competent personal consideration of the request for the issuance of a passport of the minor in the case of the absence of a guardian, trustee or custodian.

Since most of the illegal immigrants from Iraq intentionally damaging their passports, the law decided to meet a fine of 250 two hundred and fifty thousand dinars for damage to his passport or lost for the first time by negligence. law a new provision differs from what was in the previous law which makes when loss or damage audit of the General Directorate of Passports court competent delicts passport, the text of the new law in article,11 the granting of the departmental directorates misdemeanor courts in the provinces, which means that every citizen in keeping can complete the treatment of his passport lost or damaged parts of the without the need for a review of the capital Baghdad.

With the note that the law decided to grant the right to issue passports to Iraqis abroad and the renewal and extension of passports to them regardless of the reason for the presence outside Iraq. It also decided not to grant a passport acquitting the sentence final judicial rulings to the travel ban, Code stipulate the Minister of the Interior to withdraw a passport from the Iraqi who found guilty of terrorist offense or act of tragedies of the internal or external security of the state provided that leaves prison under a judicial sentence.

He also punished the law to lose his passport more than once a fine of 250,000 dinars to one million dinars, if the loss for the second time outside Iraq The Iraqi Grants Pass return to Iraq to take legal action against him this requires the existing Iraqi outside Iraq to verify his passport because the return to Iraq when the loss for the second time might be for the law decided not to grant a passport demand who loses his passport for the second time only after more than three months after the previous law decides the deprivation of one year the first situation and loss more than once.

On the other hand, the law establishes a penalty of imprisonment for a period of not less than three years on each of the sold or bought an Iraqi passport with a view to be used contrary to law or damaged or spoiled or annulled his passport in force in bad faith or left or tried to leave Iraq after prevention from travel or left or tried to leave or income or

tried to enter Iraq from non-public and the Ad Hoc Committee. And that "the penalty was on the act under the previous law up to life imprisonment.

On the other hand, the law decided to imprisonment for a term of not less than a year obtained or tried to get a passport despite the possession of a passport or intentionally information contrary or falsified documents and papers and governmental organizations are punishable under the same penalties each incites or helped to commit such crimes.

In the light of the foregoing and that the immigrant illegally usually the destroyed his passport in his trip to the country which wants immigration, which requires action against immigrant exchange for passport or travel document as the Ordinary Passport and believes his return to Iraq and which would be acceptable to the authorities of foreign States in the immigrant including staff of its airports to facilitate their return to Iraq the first article passports law known as the pass that document formulated by a State with the Iraqi who loses his passport outside Iraq as well as known travel document as a document issued by the state to return to Iraq in circumstances she also called for the granting of this law, the employee in the Iraqi embassies or diplomatic missions or Iraqi consulates officer authority to issue passports or renewed or extended for Iraqis in the State in which the embassy or consulate or diplomatic mission where there is the Iraqi who had a passport or tampers and article 9 (9) of the law stipulates that the Iraqi who lost or damaged his passport outside Iraq news footage before the competent official in the embassy or mission or consulate then officer holding the primary investigation in this regard and decided to this article on the granting of a new passport for those lost or damaged his passport after paying a quarter of a million dinars if the passport loss of or damage to the negligent if intentionally, the penalty shall be the most if the loss or damage of more than once again the maximum penalty is a fine of not less than quarter of a million or more than one million Iraqi grants after that pass To return to Iraq and punished with imprisonment for a term of not less than three years each of the damaged or spoiled or defect or nullified a passport is effective in bad faith and more severe punishment in the case of the Act for the sale or when the smuggling of the passport since the migrants financial conditions of the poor in order to encourage them to return to their country, it requires the issuance of the decision of amnesty for those migrants for actions and financial commitments and penalties in the Passports Act No. (32) for the year 2015 the pardon does not include other cases, thus ensuring the return of part of Iraqis who emigrated illegally.

3-The reason of illegal migration

Returned migration season Iraqis escape, after several exoduses began mid 1940s and continued throughout the last decades and perhaps witnessed each layer migration or chip, or national or Iraqi sect, but the post-migration 2003 to other affairs and other events may be more tragic than previous migrations, this time illegal immigration illegally via the sea and forests, in very difficult circumstances, not borne by the young people how children, women and the elderly. The Office of the High Commissioner for Human Rights in Iraq warned of the risks of increased illegal migration, especially of young people and families, they affect the future of the country, calling on the Government of the need to develop plans to attracting youth energies. It is noted that there are thousands of Iraqis during the past year have started to escape outside Iraq using methods of illegally across the gangs specialized Mafia, confirming that most of these roads precarious and led to the death of the sinking of a number of them, and another is a

victim of smugglers who blackmail, fraud, and the migration of increasingly affect the Iraqi State through the escape of many youth energies owners of certificates outside Iraq.

It is worth mentioning that millions of Iraqis preferred migration from the country, inter alia, lawful or unlawful, over the past decades, escaping from the deterioration of the situation had exacerbated the control of the so-called (the Islamic state in Iraq and the Levant) terrorist attacks on large areas of the country, since (10 June 2014) of the waves of internal displacement, migration and abroad.

The studies and reports of several that Iraqis are more asylum seekers to the European Union (EU), followed by the Somalis and sons of former Soviet Union countries, and that the larger percentage of migrants and refugees Iraqis are in Germany, with 80 percent of the Iraqis who are outside the country, in Sweden, 13 percent, the United Kingdom 11 percent out of the total number of 150,000 in industrial west, and that 37 thousand of them were repatriated to their home country, the remaining half was signing pledges of voluntary return that improved things in Iraq.

3.1 of the economic and social reason

Return the economic causes to the retreat of the Iraqi economy, although Iraq possesses tremendous natural resources but the industrial recession make its members rely on and farming as a resource is essential, however, that this resource in turn inability to cater for the needs of individuals and citizens due to the difficult circumstances deforestation, drought and arms residues resulting from international wars and the Interior, which generated rapid spread of poverty, unemployment, which are strong reasons for migration toward the European States, on the other hand, records of these States rose steadily demographic growth year after year.

Thus, the unemployment created by the social conditions of the large numbers of the population, especially young people who have obtained university qualifications, this pressure on the labor market pushes and encourages the "exodus to migration", especially in the form of illegal in order to obtain the physical output.

3.2 political and security reasons

Recent years have been characterized by which followed the 2003 until 2016 important movements of refugees individually or collectively as a result of wars and conflicts in Iraq, where that instability resulting from civil wars and conflicts and human rights violations because of ethnic or religious or political internal terrorism and the emergence of the sectarian militias and cases of murder, kidnapping, are one of the main causes of migration movements which force people to flee from insecure areas to other safer called the forced migration or political asylum.

The conclusion

solving the problem of illegal migration is not a magic stick but is the result of the policy of international coordination and long-term prosperity and take into account the strategic plans for security and legal information to address this phenomenon, to take this plan into account the following factors:

1. The ministries and state bodies involved in the preparation of studies and data bases, and national employment.

2. International organizations support Governments, research institutions and experts in the Use available tools and data needed to predict the migration trends and dynamics, for the purpose of providing support based on evidence to lay the foundations for true to address this phenomenon.

3. The establishment of networks for the exchange of researchers and scientists in the field of migration between countries of origin and destination, and the involvement of the international organizations and non-governmental organizations.

4. Knowledge of the requirements of the States of destination of the expertise needed to fill the shortage in the competencies required sectors of employment.

5. The strengthening of mechanisms for technical cooperation, security, judicial and legislative branches between States of origin and destination, within the framework of full respect for the rights of migrants.

6. To strengthen the potential of the land and sea borders to face the groups of irregular migration on the borders.

7. The joint cooperation between the ministries concerned to implement the draft public information campaigns to educate young people about the dangers of irregular migration with the aim of reducing the appearance of irregular migration and minimize its risks and impact positively on the choices of youth migration opportunities and better understanding of the realities of migration.

8. The need for the government and the private sector provide employment opportunities, which is the main goal behind migrated abroad through:

- * Increasing employment opportunities to cope with increased participants in labor markets, and the development of labor skills to cope with the requirements of regional labor markets and international cuisine.

- * developing educational programs to promote labor force competitiveness and varied and specialized agencies, including the evaluation of the technical and vocational training.

- * The formulation of policies of education and employment in accordance with the assessment of current and future needs of the labor markets national and Arab.

- * The formulation of plans of the mobility of the employment of the legitimacy of the young people with the qualifications and skills of the modest to reduce cases of irregular migration.

9. Cooperation between all Arab countries as partners complementary, meaningful deal with irregular migration, through the strengthening of mechanisms to combat the gangs and networks of smuggling of migrants and the efforts of the joint security between the States concerned.

10. The ratification of the Arab States to the international conventions and the protector of human rights.

11. Stricter controls on the violations of the rights of the workers and reduce them and punish the outlaws, whether citizens or aliens, in accordance with legislative texts.

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