



Home Office

Country Information and Guidance

Iran: Illegal Exit

Version 2.0

December 2015

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Preface	2
Contents	3
Guidance	4
1. Introduction	4
1.1 Basis of Claim	4
2. Consideration of Issues	4
2.1 Is the person’s account a credible one?	4
2.2 Are those who have left Iran illegally at risk on return?	4
2.3 Are those at risk able to seek effective protection?	5
2.4 Are those at risk able to internally relocate to escape the risk?	5
2.3 If refused, is the claim likely to be certifiable as ‘clearly unfounded’?	5
3. Policy summary	6
Country Information	7
4. Entry and exit procedures.....	7
4.1 Entry procedures	7
4.2 Exit procedures	8
4.3 Procedures for women	10
5. Treatment of returnees who exited illegally	11
Version Control and Contacts	15

Guidance

Updated: 15 December 2015

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm by the Iranian authorities because the person left Iran illegally.

2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 For further information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

2.2 Are those who have left Iran illegally at risk on return?

- 2.2.1 The Iranian government requires all citizens to have exit permits for foreign travel (see [Exit procedures](#)). A woman must have the permission of her husband, father, or other male relative to obtain a passport (see [Procedures for women](#)). Some citizens, particularly those whose skills are in demand and who were educated at government expense, have additionally to post a bond to obtain an exit permit. Those who leave Iran illegally without an exit permit face being fined on return or sentenced to between one and three years' imprisonment (see [Exit procedures](#)).
- 2.2.2 In the country guidance case of [SB \(risk on return-illegal exit\) Iran CG \[2009\] UKAIT 00053](#) (16 December 2009), the Tribunal held that Iranians facing enforced return do not in general face a real risk of persecution or ill-treatment. That remains the case even if they exited Iran illegally. Illegal exit may however add to the difficulties an applicant would face if they had attracted the adverse attention of the authorities for another reason (para 53(ii)).
- 2.2.3 The Tribunal in [SB](#) further found that:
- Being a person who has left Iran when facing court proceedings (other than ordinary civil proceedings) is a risk factor, although much will depend on the particular facts relating to the nature of the offence(s) involved and other circumstances. The more the offences for which a person faces trial are likely to be viewed as political, the greater the level of risk likely to arise as a result... the degree of risk varying according to the nature of the court proceedings, being involved in ongoing court proceedings is not in

itself something that will automatically result in ill-treatment; rather it is properly to be considered as a risk factor to be taken into account along with others (para 53(iii))

- Being a person involved in court proceedings in Iran who has engaged in conduct likely to be seen as insulting either to the judiciary or the justice system or the government or to Islam constitutes another risk factor indicating an increased level of risk of persecution or ill treatment on return (para 53(iv)).
- Being accused of anti-Islamic conduct likewise also constitutes a significant risk factor (para 53(iv)).

2.2.4 Although not country guidance, the Upper Tribunal in the reported case of [AB and Others \(internet activity – state of evidence\) Iran \[2015\] UKUT 257 \(IAC\) \(30 April 2015\)](#) stated that “A person who was returning to Iran after a reasonably short period of time on an ordinary passport having left Iran illegally would almost certainly not attract any particular attention at all and for the small number of people who would be returning on an ordinary passport having left lawfully we do not think that there would be any risk to them at all. However, as might more frequently be the case, where a person’s leave to remain had lapsed and who might be travelling on a special passport, there would be enhanced interest. The more active they had been the more likely the authorities’ interest could lead to persecution.” (paras 470 - 471)

2.2.5 For further guidance on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.3 Are those at risk able to seek effective protection?

2.3.1 As the person’s fear is of ill treatment/persecution at the hands of the state, it is unreasonable to consider they would be able to avail themselves of the protection of the authorities.

2.3.2 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.4 Are those at risk able to internally relocate to escape the risk?

2.4.1 As the person’s fear is of ill treatment/persecution at the hands of the state, they cannot be expected to internally relocate to escape that risk.

2.4.2 For further information on the factors to consider and considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.3 If refused, is the claim likely to be certifiable as ‘clearly unfounded’?

2.3.1 Where a claim based solely on the person’s illegal exit from Iran falls to be refused, it is likely to be certifiable as ‘clearly unfounded’ under section 94 of

the Nationality, Immigration and Asylum Act 2002. This is because any punishment of illegal exit would not generally amount to persecution. However if the person has attracted the adverse attention of the authorities for any other reason then the claim is unlikely to be certifiable under section 94 of the 2002 Act as the majority of such claims will not be so clearly without substance that they are bound to fail.

- 2.3.2 For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 **The consequences of illegal departure from Iran are not of themselves sufficiently serious as to warrant international protection.**
- 3.1.2 **Illegal exit may be an aggravating factor in other categories of claim particularly where the person is facing court proceedings in Iran or has otherwise come to the adverse attention of the authorities - for example being accused of anti-Islamic or anti-government conduct - and as such is a risk factor which must taken into account. The more active the person has been in such activities, the more likely the authorities' interest could lead to persecution.**
- 3.1.3 **Where a claim is based solely on the person's illegal exit from Iran it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002; but not if the person has come to the adverse attention of the authorities for another reason.**

[Back to Contents](#)

Country Information

Updated: 15 December 2015

4. Entry and exit procedures

4.1 Entry procedures

4.1.1 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information provided by the International Organisation for Migration's (IOM) Tehran office, who operated 'an Assisted Voluntary Return (AVR) programme world wide'. The IOM stated that:

'Iranians who return with their passports will not face any problem at the airport when they return after a longer stay abroad. Iranians who have left the country on their passports and are returned on a Laissez-passer will be questioned by the Immigration Police at the airport'. While this questioning may take a 'few hours', IOM stated that "nobody has been arrested when travelling back on a Laissez-passer.'

'The IOM provided the following information about the persons who had returned to Iran under its AVR; 'The majority of people who have returned to Iran under this programme from various countries including Switzerland, Norway, Belgium, Australia, Indonesia (people who were on the way to Australia) and the Netherlands are according to IOM, people who have been looking for a better life, studying opportunities, and people who have family abroad.'¹

'IOM stated that so far, they have not had any experience with people being arrested by the authorities at the airport. IOM added that if persons have been involved in criminal activities abroad and are on the Interpol list, it is another issue.'²

4.1.2 A February 2010 report from the Christian Science Monitor stated that;

'Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.'

¹ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.68-69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

² Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 15 September 2015]

‘Those on the list are normally allowed entry, only to have their movements inside the country monitored and [later] be arrested at the airport when they are leaving Iran,’ said Nader Uskowi, a Washington-based Iran expert and consultant to the US government on Afghanistan.’

‘The Christian Science Monitor also reported that while Imam Khomeini International Airport in Tehran was fitted with cameras ‘it is unknown whether they are equipped with facial recognition technology or the equipment to machine-read passports. Officers tap names and passport codes manually into their computers’. In addition, it was noted that airport authorities ‘may also be alerted to Individuals of interest when their tracked cell phones enter the airport cell phone towers’ coverage area’. It was also stated that ‘spotters keep watch for up to 200 suspects whose pictures they memorize’.³

[Back to Contents](#)

4.2 Exit procedures

4.2.1 The US State Department’s, ‘Country Reports on Human Rights Practices 2014 – Iran’, released on 25 June 2015 stated that:

‘The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during 2014.’⁴

4.2.2 The Research Department of the Immigration and Refugee Board of Canada, stated in a response to a request regarding exit and entry procedures that ‘Sources note that unless they are exempt, military service in Iran is mandatory for males aged 18 to 34, including dual citizens. Young men of 17 years of age will be prevented from leaving Iran until they have completed their military service.’⁵

4.2.3 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint fact finding mission report referred to information provided by Mr. Hossein Abdy Head of Passport and Visa Department who explained that:

³ Christian Science Monitor, How Iranian dissidents slip through Tehran’s airport dragnet, 7 January 2010, <http://www.csmonitor.com/World/Middle-East/2010/0208/How-Iranian-dissidents-slip-through-Tehran-s-airport-dragnet> [accessed 15 September 2015]

⁴ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 2d, 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598> [accessed 14 September 2015]

⁵ Immigration and Refugee Board of Canada 2013, IRN104624.E - Iran: Exit and entry procedures at airports and land borders, particularly at the Imam Khomeini International airport; whether authorities alert border officials of individuals they are looking for; incidence of bribery of Iranian border officials to facilitate departure; the punishment for border officers caught taking such bribes (2009-October 2013), <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454849&pls=1> [accessed 14 September 2015]

'It is possible [...] for a male to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad'.⁶

'Some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad. Additionally, persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case.'⁷

'When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban.'⁸

4.2.4 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information provided by the consular officers of the U.S. embassy in Ankara who noted that:

'After the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country before having completed his military service is able to deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.'

⁶ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

⁷ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

⁸ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

'It was added that by pulling passports, the authorities are able to put pressure on political types such as artists, directors, journalists and are thereby giving them no option to leave. This is as a way of keeping them compliant.'⁹

- 4.2.5 Amnesty International's International Secretariat (AIS) told the Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report that:

'The organization had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.'¹⁰

- 4.2.6 On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy, told the Danish Refugee Council, Landinfo and the Danish Immigration Service that; 'there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.'¹¹

[Back to Contents](#)

4.3 Procedures for women

- 4.3.1 The Iran Human Rights Documentation Centre's (IHRDC) article on 'Gender Inequality and Discrimination: The Case of Iranian Women', 8 March 2013, stated that;

'The traditional authority of men (fathers and husbands) over girls and women sometimes takes modern forms. Under Iranian laws, a woman, if married, needs her husband's consent to obtain a passport and travel outside the country. Husbands can forbid their wives from leaving the country by refusing to sign the papers that will allow them to apply for a passport and travel. According to Article 18 of Passport Law 1973: "A passport shall be issued for the following persons according to this article: ... 3-Married women, even if under 18 years old, with the written agreement of their husbands..."¹²

⁹ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

¹⁰ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

¹¹ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

¹² Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, <http://iranhrdc.org/english/publications/legal->

4.3.2 AI Monitor report that; ‘Married Iranian women, even if they hold a valid passport, require their husband’s permission to depart the country, regardless of age. For obtaining or renewing a passport, a notarized permit from the spouse is required. Husbands can easily refrain from allowing their wives to obtain or renew their passport.’¹³

4.3.3 The IHRDC article of March 2013 also states that;

‘According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives’ passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge. As natural guardians, fathers can also forbid their underage children from leaving the country. Wives and mothers do not have the same right.’¹⁴

[Back to Contents](#)

5. Treatment of returnees who exited illegally

5.1.1 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information provided by Mr. Hossein Abdy Head of Passport and Visa Department who explained that:

‘Mr. Hossein Abdy, Head of Passport and Visa Department, stressed that the Iranian constitution allows for Iranians to live where they wish. It is not a criminal offense in Iran for any Iranian to ask for asylum in another country. He further stated that approximately 60% of Iranians who have asylum in other countries, travel back and forth between Iran and other countries.’¹⁵

5.1.2 The April 2009 Danish Immigration Service report made reference to information that had been provided by H. Mirfakhar, the Director General of Consular Affairs at Iran’s Ministry of Foreign Affairs. Mirfakhar stated that:

‘A person who has left Iran illegally and who is not registered on the list of people, who cannot leave Iran, will not face problems with the authorities upon return, though the person may be fined. Mirfakhar added that ‘a

[commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html](#)
[accessed 15 September 2015]

¹³ AI Monitor, Iranian women fight efforts to restrict travel abroad, 2 February 2014 <http://www.al-monitor.com/pulse/originals/2014/01/iran-women-restrictions-travel-rights.html#ixzz3lo7cja00>
[accessed 15 September 2015]

¹⁴ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html>
[accessed 15 September 2015]

¹⁵ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 15 September 2015]

person who has committed a crime and has left Iran illegally will only be prosecuted for the crime previously committed and not for leaving the country illegally'.¹⁶

- 5.1.3 The Danish Immigration Service report of 2009 also made reference to information provided by 'a western embassy' which stated that:

'A fine is given for leaving the country illegally'. The information read: The fine for illegal exit can run up to 50 million Iranian Rial which amounts to approximately 5,000 USD. To the knowledge of the embassy, people who have left Iran illegally are not detained upon return. The embassy did not know what happens if a person is unable to pay the fine'.¹⁷

- 5.1.4 A different 'western embassy' advised the Danish Immigration Service that 'an Iranian citizen can return even if he or she has left the country illegally', but that 'the punishment a person might face upon return depends on the acts committed before leaving Iran'. The embassy also stated that '[a] fine may be given for illegal exit' but that it 'did not know the size of the fine'.¹⁸

- 5.1.5 An unnamed 'Attorney at Law' provided the following information to the Danish Immigration Service regarding the potential punishments for persons who return to Iran after departing the country illegally:

'The Attorney at Law confirmed that there is a fine for leaving Iran illegally. However, he believed the fine to be around 200-300 US dollars. It was added that if a person has outstanding issues with the authorities (other than leaving illegally) he or she may very likely be punished for these upon return. The punishment will be according to law. However, it may also come to a stricter punishment since the person has left Iran illegally. It was further explained that if a person continues to leave Iran illegally the penalty might rise accordingly. Hence, continuous illegal departures from Iran will result in harsher criminal punishment'.¹⁹

¹⁶ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁷ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁸ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

- 5.1.6 Gh. Mahdavi, the Director General of the Bureau of International Affairs at the Judiciary of the Islamic Republic of Iran advised the Danish Immigration Service that; ‘the fine for leaving Iran illegally is a few hundred dollars and there is no other punishment’.²⁰
- 5.1.7 Dr Kakhki, a special adviser to the Centre for Criminal Law and Justice and Associate of the Centre for Iranian Studies at Durham University, stated the following in ‘General report on risk of return’ dated 5 December 2014:
 ‘According to a new amendment of Article 34 of Passport Law (21/2/2010), any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 500,000 and 3 million Tomans (approx £108- £650). The assigned punishment in this article is called a “Taaziri” punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the “Taaziri” punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime.’²¹
- 5.1.8 Iran Human Rights Documentation Centre state that Article 34 of the Penal Code stipulates that ‘a ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application.’²²
- 5.1.9 The Danish Refugee Council and Danish Immigration service fact finding mission on Iranian Kurds and Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, dated 30 September 2013 consulted UNHCR Erbil who informed the delegation that:
 ‘The Iranian Kurds know the illegal paths across the border. If a Kurd who has left Iran illegally goes back, the consequences of his illegal exit will not be severe: If he was gone for less than six months, he would most likely be punished by a fine amounting to 80 USD and if he is gone for more than six months the fine will be 120 USD. A person who goes back to Iran will be

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[87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf](http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf) [accessed 16 September 2015]

²⁰ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 [http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-](http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf)

[87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf](http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf) [accessed 16 September 2015]

²¹ Dr Mohammad M.H. Kakhki, General report on risk of return, 5 December 2014, hard copy available on request.

²² Iran Human Rights Documentation Centre, New Islamic Penal Code, 8 April 2014 <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html> [accessed 14 September 2015]

interrogated and then released unless there is evidence found against him.’
23

- 5.1.10 The same source also stated that ‘Asked about the situation for returnees, a Western diplomat and expert on Iran had never heard of any Iranian with political affiliations who went back to Iran. The source assumed that as long as a returnee has not been member of an oppositional political party or involved in political activities in other ways, she or he would not face problems upon return to Iran.’²⁴

[Back to Contents](#)

²³ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013 1.3. Consequences of conducting activities for the Kurdish political parties p. 68
http://www.nyidanmark.dk/NR/rdonlyres/D82120CB-3D78-4992-AB57-4916C4722869/0/fact_finding_iranian_kurds_2013.pdf [accessed 16 September 2015]

²⁴ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013 1.3. Consequences of conducting activities for the Kurdish political parties p. 68
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Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **15 December 2015**
- this version approved by **Sally Weston, Deputy Director, Legal Strategy Team**
- approved on: **14 December 2015**

Changes from last version of this guidance

First publication of Illegal exit as a separate CIG (Illegal exit previously formed part of the Background CIG).

[Back to Contents](#)