



Australian Government
Refugee Review Tribunal

Country Advice

Iran

Iran – IRN37255 – Asylum seekers – 2009
Election protests – Returnees – Tehran
Airport – Arrival procedures

19 August 2010

1. Please provide information on the treatment of failed asylum seekers upon return to Iran. Are people who claim asylum abroad imputed with anti-regime views and subject to harm upon return?

It remains uncertain as to whether either the Iranian authorities or paramilitaries aligned to the regime impute returnees with anti-government or anti-Islamic Republic political views simply for applying for protection abroad. What is certain is that at least some returnees from Australia and elsewhere have been subjected to varying degrees of ill-treatment by authorities upon return, ranging from monitoring, interrogation, and detention. There are reliable reports that some returnees from Canada have been physically harmed and there is at least one report of a returnee dying following physical harm upon return. However, it is unclear as to whether any of these examples of ill-treatment are attributable to political beliefs imputed by authorities due to asylum claims made while abroad. It is likely that the names and details of Iranian citizens who apply for protection in western states are brought to the attention of Iranian embassies by informants and subsequently passed onto Iranian authorities. It is also likely that these details will be known to Iranian Immigration security officials at Imam Khomeini International Airport in Teheran, the main international gateway into Iran.

In 2009 the conservative Iranian President Mahmud Ahmadinejad was re-elected in highly controversial circumstances. Mass protests and the reporting of these events resulted in a repressive crackdown on dissenters, perceived critics, and the media. According to Amnesty International, this crackdown does have implications for Iranian citizens abroad; on the first anniversary of the disputed June 2009 presidential elections, Amnesty International stated that they believe that the events of the previous twelve months in Iran “means that some Iranians who left Iran to study or work or for other non-political reasons, but who have publicly expressed dissatisfaction with events in Iran, may face increased risks should they return to Iran. Some may have become refugees *sur place* and would qualify for refugee or subsidiary protection status if they seek asylum.”¹ The question, however, remains as to whether the act of seeking asylum is interpreted by Iranian authorities as an expression of serious dissatisfaction with the regime or an act of political dissent.

In 2009 the Danish Immigration Service quoted an unnamed “western embassy” in Iran as informing them that Iranian refugees and Iranian asylum seekers “are kept under strict

¹ Amnesty International 2010, *From Protest to Prison: Iran One Year After the Election*, June, p.55
<http://www.amnesty.org/en/library/asset/MDE13/062/2010/en/a009a855-788b-4ed4-8aa9-3e535ea9606a/mde130622010en.pdf> – Accessed 17 August 2010 – Attachment 1

surveillance by any Iranian embassy and its network of informers.” The embassy told the Danish Immigration Service that “the Iranian Embassy in their home country has at its disposal a very strong network of informants, who keep an eye on Iranians living in that country.”² On this basis it seems likely that an Iranian seeking protection in Australia would come to the attention of the Iranian Embassy in Canberra via members of the diaspora. Consequently, Iranian authorities could eventually become aware of an Iranian national’s unsuccessful attempt to gain asylum in Australia. Once again, the question remains as to whether such an act would constitute dissent in the eyes of the authorities. Furthermore, if it does constitute dissent, the question remains as to whether it would subject asylum seekers to ill-treatment upon return.

Dr David Corlett of La Trobe University has written and spoken widely on the question of the treatment of returnees to Iran. In a 2004 speech at New South Wales Parliament House he stated that he had spoken to a number of returnees during a visit to Iran. The treatment these returnees received at the hands of Iranian authorities varied: one returnee he had interviewed remarked that “his family had paid bribes to the authorities to ensure his safety... But despite the bribes, when he arrived in Iran, he had his money stolen and was jailed in one of the notorious Iranian prisons. Because of the bribes, he was released after many months and extensive interrogation... He is now constantly observed and has restrictions on his movements.” Another man Dr Corlett interviewed was “detained for nearly 2 weeks upon return”, while others were detained “for several days.” Others interviewed by Dr Corlett complained that they had “had been monitored and interviewed by the authorities on several occasions.” All persons interviewed displayed some level of paranoia regarding the authorities and their informants. Corlett concluded his observations concerning returnees to Iran with the remark that “[w]hat can be said with certainty is this: Returnees are actively seeking to keep a low profile in Iran; they deliberately deny that they believe something contrary to the state and lie about their activities in Australia... If asked, they deny that their motivation for leaving Iran and seeking asylum in Australia was related to the Iranian religious and political regimes.”³

In 2004 *The Age* reported that the whereabouts of an Iranian man who had been forcibly returned home “under a deal between the Australian Government and Iran” was unknown. The former detainee at the Port Hedland detention centre was reportedly from a “politically active family”, with one brother in Evin prison, another who had sought refuge in Europe, and an uncle who had reportedly been executed by the Iranian Government. *The Age* also reported that a woman forcibly returned had been detained and “interrogated by Iranian intelligence officers for up to five hours on arrival before being released.”⁴

A 2005 Immigration and Refugee Board of Canada (IRB) response refers to an April 2005 report in the *Globe and Mail* which contains “two cases where Iranian deportees from Canada were subjected to mistreatment when they returned to Iran, and in one case the returnee ‘died after receiving 100 lashes in prison’... In the other case, a female student activist was detained

² Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April, p.34

http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010 – Attachment 2

³ Corlett, D. 2004, ‘Fearing Going Home: Australia’s return of rejected asylum seekers, temporary refugees and others from refugee-like situations’, Don Chipp Foundation, 9 December

<http://www.donchippfoundation.org.au/0412corlett.htm> – Accessed 18 August 2010 – Attachment 3

⁴ ‘Deported Iranian Missing’ 2004, *The Age*, 3 September – Attachment 4

for 26 hours and ‘was struck in the face and head twice while in prison when she refused to sign a document denouncing Canada’.” The IRB also refers to a 2004 report in which it states that “[c]itizens returning from abroad sometimes were subjected to searches and extensive questioning by government authorities for evidence of anti-government activities abroad. Recorded and printed material, personal correspondence, and photographs were subject to confiscation.”⁵

The primary cause in the deficit of knowledge concerning the treatment of unsuccessful asylum applicants upon their return to their countries of origin is that western governments do not monitor the fate of unsuccessful asylum seekers. In 2000, the Senate Legal and Constitutional References Committee recommended that Australia seek to develop a system of informal returnee monitoring. However, Dr David Corlett stated in a 2007 discussion paper that the then Howard Liberal-National coalition government did not heed the advice. The government, according to Corlett, cited several problems with adopting a policy of returnee monitoring, including: “to engage in monitoring such people, Australia would be required to breach the sovereign territory of other states”; “monitoring returnees may pose risks to returnees themselves”; “there are only limited actions to be taken if it was discovered that returnees were indeed at risk of persecution or human rights violation”; “monitoring the safety of returnees from developed regions in countries of dire insecurity and desperate need seems a poor targeting of resources especially when there are vast numbers of people who, prima facie, do need protection but for whom resources are scarce”; and, “there are practical difficulties involved in designing and implementing a monitoring regime.” Dr Colett also states the government of the time believed that there is no international legal obligation “toward people who are rejected by Australia’s refugee determination process. Such people do not invoke Australia’s protection obligations and therefore ought to be removed from the country.”⁶ Despite the change of federal government in Australia in 2007, the new Labor government did not adopt the 2000 Senate Legal and Constitutional References Committee recommendation for the government to establish a system of returnee monitoring.

A number of asylum applicants both in Australia and abroad have expressed concern about harm they may receive upon return to Iran for having left illegally, either via illegal exit points, on false or stolen passports, or with forged exit permits. On a fact finding mission to Iran in 2008, representatives of the Danish Ministry of Immigration met with H. Mirfakhar, the Director General, Consular Affairs, in Iran’s Ministry of Foreign Affairs, who informed the Danish Ministry of Immigration “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. . . It was added, that a 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.”⁷

⁵ Immigration and Refugee Board of Canada 2005, *Iran IRN100758.E: The repatriation of failed refugee claimants to Iran, including reports of claimants being detained, mistreated and tortured upon removal from Canada on the basis they made refugee claims in Canada; whether the Iranian government would be able to recognize that a returnee had made a refugee claim in Canada; the process by which failed refugee claimants are removed by Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA) (2003 – 2005 , 7 December – Attachment 5*

⁶ Corlett, D. 2007, ‘Returning Failed Asylum Seekers from Australia’, Swinburne University of Technology, January, p.50 <http://www.sisr.net/apo/asylum-corlett.pdf> – Accessed 18 August 2010 – Attachment 6

⁷ Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April, p.36

The Danish delegation also interviewed an employee at an unnamed “western embassy” who told them that “an Iranian citizen can return even if he or she has left the country illegally.” Such a person might be punished, depending on whether they committed any crimes in Iran prior to their departure and the nature of the crime. The embassy also adds that “[a] fine may be given for illegal exit.” Gh. Mahdavi, Director General at Iran’s Bureau of International Affairs, informed the Danish delegation that “[t]he fine for leaving Iran illegally is a few hundred dollars and there is no other punishment.”⁸

Returnees to Iran will generally have security checks conducted on them before the Iranian Embassy issues them a travel document with which they can return to Iran, according to the Danish Immigration Service. Airport authorities “will not check his identity”; however, the authorities will “ask the person how he has left Iran, since there is no exit stamp in his new travel document. The exit stamp is always checked upon arrival and the traveller gets a stamp in the passport and is registered in the computer system.”⁹ Upon arrival at Imam Khomeini International Airport in Teheran there are separate counters for foreigners and Iranians where “[t]he Immigration Officer scans the passport and registers all the personal data from the passport of the arriving passenger in the computer system. The personal information is already registered in the computer system. The information includes a photograph of the passport holder and this photograph appears on the screen. The Immigration Officer checks the validity of the passport and if the person is entering Iran on illegal grounds or has outstanding issues with the authorities he will be held responsible in accordance to Iranian law, rules and regulations.”¹⁰ Subsequently, a person identified by an Iranian embassy as an unsuccessful asylum A will be detected upon re-entry into Iran via the main international airport.

Many of the opinions quoted above that suggest that returnees are subject to various forms of ill-treatment upon return to Iran date from the previous government of President Mohammed Khatami (1997 – 2005). Khatami was widely seen as a moderate and a reformer by western governments and observers. Since 2005 Iran’s government and authorities have been under the control of President Mahmud Ahmadinejad, widely seen by western governments and Iran watchers as conservative and authoritarian. The June 2009 elections that saw Ahmadinejad re-elected were widely condemned as neither free, nor fair, including by the US Department of State.¹¹ It has also been widely reported that since the post-election protests of 2009, the regime has begun a new crackdown on those Iranians perceived to be opponents of the regime and the Islamic Republic. Human Rights Watch stated in June 2010 that “Iran’s government is tightening its grip, harassing, imprisoning, and using violence against its own people one

http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010 – Attachment 2

⁸ Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April, p.36

http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010 – Attachment 2

⁹ Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April, p.38

http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010 – Attachment 2

¹⁰ Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April, p.41

http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010 – Attachment 2

¹¹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Iran*, 11 March, Section 3 – Attachment 7

year after the disputed 2009 presidential election and the start of its brutal crackdown.” Joe Stork, the deputy Middle East director at Human Rights Watch states that “[w]hile the international community has focused on Iran’s nuclear ambitions, Tehran has been methodically crushing all forms of dissent inside the country.”¹² Even Ahmadinejad’s fellow conservatives within the Majlis have described Ahmadinejad’s so-called “militaristic-messianic” faction as acting like a “terrorist group”.¹³

The regime is extremely defiant of international opinion and paranoid, and the flow of information out of the country has dramatically slowed. Consequently, in 2010 it is extremely difficult to gauge the treatment of returnees or how they are perceived by the regime; however, it is likely that all persons perceived to be opponents of the regime are currently subject to more intense scrutiny and to harsher penalties than they would otherwise have been during the presidency of Mohammed Khatami.

Attachments

1. Amnesty International 2010, *From Protest to Prison: Iran One Year After the Election*, June <http://www.amnesty.org/en/library/asset/MDE13/062/2010/en/a009a855-788b-4ed4-8aa9-3e535ea9606a/mde130622010en.pdf> – Accessed 17 August 2010.
2. Danish Immigration Service 2009, *Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.* New to Denmark, April http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf – Accessed 18 August 2010.
3. Corlett, D. 2004, ‘Fearing Going Home: Australia’s return of rejected asylum seekers, temporary refugees and others from refugee-like situations’, Don Chipp Foundation, 9 December <http://www.donchippfoundation.org.au/0412corlett.htm> – Accessed 18 August 2010.
4. ‘Deported Iranian Missing’ 2004, *The Age*, 3 September. (CISNET Iran CX97445)
5. Immigration and Refugee Board of Canada 2005, *Iran IRN100758.E: The repatriation of failed refugee claimants to Iran, including reports of claimants being detained, mistreated and tortured upon removal from Canada on the basis they made refugee claims in Canada; whether the Iranian government would be able to recognize that a returnee had made a refugee claim in Canada; the process by which failed refugee claimants are removed by Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA) (2003 – 2005)*, 7 December. (REFINFO)

¹² Human Rights Watch 2010, ‘Iran: Crisis Deepening One Year After Disputed Elections Pressure Mounting on Iranian Civil Society’, 10 June <http://www.hrw.org/en/news/2010/06/10/iran-crisis-deepening-one-year-after-disputed-elections> – Accessed 17 August 2010 – Attachment 8

¹³ Djavadi, A. 2010, ‘After Green Movement, Iran’s Conservative Factions Turn On Each Other’, *Radio Free Europe/Radio Liberty*, 17 August http://www.rferl.org/content/After_Green_Movement_Irans_Conservative_Factions_Turn_On_Each_Other/2130118.html – Accessed 18 August 2010 – Attachment 9

6. Corlett, D. 2007, 'Returning Failed Asylum Seekers from Australia', Swinburne University of Technology, January <http://www.sisr.net/apo/asylum-corlett.pdf> – Accessed 18 August 2010.
7. US Department of State 2010, *Country Reports on Human Rights Practices for 2009: Iran*, 11 March.
8. Human Rights Watch 2010, 'Iran: Crisis Deepening One Year After Disputed Elections Pressure Mounting on Iranian Civil Society', 10 June <http://www.hrw.org/en/news/2010/06/10/iran-crisis-deepening-one-year-after-disputed-elections> – Accessed 17 August 2010.
9. Djavadi, A. 2010, 'After Green Movement, Iran's Conservative Factions Turn On Each Other', *Radio Free Europe/Radio Liberty*, 17 August http://www.rferl.org/content/After_Green_Movement_Irans_Conservative_Factions_Turn_On_Each_Other/2130118.html – Accessed 18 August 2010.