



Iran - Researched and compiled by the Refugee Documentation Centre of Ireland on the 8th July 2010.

1 Please advise of information regarding treatment of Afghani Nationals in Iran who do not hold ID cards for Iran and are not citizens of Iran.

2 Please advise of information regarding state protection available in Iran for Afghani Nationals in Iran who do not hold ID cards for Iran and are not citizens of Iran.

A report by the *United States Department of State* under the heading 'Protection of Refugees' states:

"The number of registered Afghan refugees opting for voluntary repatriation declined since 2007 due to a combination of factors, including concerns about security in Afghanistan. The government continued to postpone discussions to renew the tripartite repatriation agreement, but at an international conference on resettlement and repatriation held in Kabul in November 2008, the government verbally committed to permit registered Afghan refugees to stay until they voluntarily repatriated or resettled elsewhere.

In addition to the 935,600 registered Afghan refugees, the UNHCR estimated as many as 1.5 million Afghans illegally resided in the country as migrant workers. In March 2008 the government announced it would deport all Afghans who lacked refugee documentation. According to the UNHCR, the government deported 200,000 Afghans in the first six months of the year and more than one million in the last three years. On March 22, the UN Children's Fund (UNICEF) and provincial authorities reported that more than 1,000 children deported to Afghanistan's western province of Herat in 2008 faced poverty and were at risk of abuse." (United States Department of State (11th March 2010) *2009 Human Rights Report: Iran**)

It also states:

"There were reports of some registered refugees included in mass deportations during the last several years, although these reports were not officially documented. According to HRW, many of those deported received no warning that they were being deported, and many were separated from their families or had little time to collect belongings and wages. Other deportees claimed they were beaten, detained, or required to perform forced labor for several days before they were deported. Among the deportees were vulnerable individuals and families who required humanitarian assistance upon arrival in Afghanistan. At the November conference in Kabul, the Iranian delegate stated that Afghan refugees would continue to be treated as "respected guests" and that the two

countries were discussing the issuance of 300,000 visas to Afghan workers. No new visa arrangement had been announced by year's end." (ibid)

A report by the *Home Office UK Border Agency* under the heading 'Foreign Refugees' states:

"A report by the Afghanistan Research and Evaluation Unit on second-generation Afghans in Iran, published in April 2008, explained the different identity cards issued by the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA):

"The identification (ID) card constitutes the external layer of an individual's identity and records the individual's personal characteristics. Since the arrival of Afghans in the late 1970s, BAFIA has issued several identification cards in a variety of colours. For example, from 1979–92, most Afghans entering Iran were issued with 'blue cards' which indicated their status as involuntary migrants or mohajerin. Blue card holders were granted indefinite permission to stay in Iran legally. Until 1995, blue card holders had access to subsidised health care and food, and free primary and secondary education, but were barred from owning their own businesses or working as street vendors, and their employment was limited to low-wage, manual labour. ... ID cards are required to register children at school and to travel outside of the place of residence registered on the card. Respondents had been issued with various coloured ID cards from BAFIA (pink, red, green, gold), each colour representing a certain year of issue and period of validity. ... Characteristics of the cards listed as being held by respondents follow:

• Amayesh identification (pink card): issued by BAFIA since 2003, the majority of Afghans in Iran are said to hold Amayesh identification.

• Amayesh identification (gold card): issued by BAFIA, these cards accord additional rights such as the right to have a bank account in Iran, and are issued to high-ranking figures such as Afghan clergy, and those with government positions.

• Educational passport: issued by universities and religious schools to Afghan students to indicate full-time enrolment as students.

• Iranian identification (shenasnameh): issued by BAFIA to children aged 18 years and above, born of mixed marriages whose Afghan parent has a passport from Afghanistan." [110] (p49)" (Home Office UK Border Agency (26th January 2010) *Country of Origin Information Report Iran*)

A report by the *United States Committee for Refugees and Immigrants* under the heading 'World Refugee Survey 2009 – Iran' states:

"Iran recognized more than a million refugees and asylum seekers, including some 936,000 Afghans and nearly 58,100 Iraqis. There were also more than one million unregistered Afghans in the country." (United States Committee for Refugees and Immigrants (17th June 2009) *World Refugee Survey 2009 – Iran*)

In a section titled '2008 Summary' this report states:

"In January, Iran initiated a re-registration exercise of all Afghan refugees and simultaneously required men between the ages of 16 and 60 to apply for work permits and to list an employer as guarantor. The Government also warned up to 1.5 million Afghans without proper documentation that they faced arrest and detention in camps for up to five years. The head of BAFIA described conditions in the camps as "like prisons for punishment of the people who have entered illegally or who have committed a felony." Authorities deported nearly 9,000 Afghans in two weeks, provoking Afghanistan's formal diplomatic protest. Despite promising the Government that it would stop during the winter, Iran deported another 8,000 by mid-February. In the reception camps of Chamany Babrak in Kabul, most deportees had refugee cards. Iranian soldiers reportedly evicted entire refugee settlements without checking for status.

In March, Iran said it intended to expel 1.5 million Afghans it considered to be illegally in the country. A BAFIA official said, "Those who illegally entered Iran have committed crimes: entering illegally, staying illegally and working illegally. .. we will expel them from our country at the first opportunity we encounter them."(ibid)

This report also states under the heading 'Detention/Access to Courts'

"Authorities arrest and rapidly deport refugees for irregular entry, lack of documentation, and unauthorized movement outside their province of registration. Afghan deportees are regularly subject to inhumane treatment and beatings during detention.

BAFIA officials at detention centres and some camps sometimes obtain the release of registered Afghan refugees and give them Laissez-Passers to return to their place of residence. Authorities generally do not permit UNHCR or any nongovernmental organization (NGO) to monitor detention centers. On only one occasion in 2008, authorities permitted UNHCR access to a detention centre in Sistan and Balouchistan province. UNHCR is, however, able to hire lawyers for registered refugees.

Iran issues Special Identity Cards (SIDs) with greater privileges to Afghan refugees who are religious students, disabled in the Iran-Iraq war, relatives of martyrs, or married to Iranians. Children of registered refugees receive refugee cards upon reaching school age. Law-enforcement officials, judiciary, and local authorities all recognize the residence cards issued in the 2008 registration."
(ibid)

It also states under the heading 'Right to Earn a Livelihood'

"The Government increasing fines or imprisons employers of undocumented foreigners, including registered Afghan refugees although they were more lenient with Iraqis. Authorities required all Afghan refugee men to apply for temporary work permits during the 2008 re-registration exercise and allowed women to do

so. Since Fall 2008, they issue them in Tehran province on a test basis but sometimes fails to do so, effectively precluding the refugees from health insurance.” (ibid)

It also states:

“Foreigners cannot engage in business without appropriate visas and work permits. Registered Afghan refugees had to abandon their refugee status, return to Afghanistan, obtain a passport and an Iranian visa, and apply for a specific permit in order to engage in business.

The 1963 Regulations provided refugees the right to acquire movable and immovable property generally on par with other foreigners, but conditioned real estate ownership on reciprocity of the foreigner's government. They also allow the Government to bar foreigners from purchasing land near borders and in other areas. 2005 regulations restrict Afghan refugees' rights to obtain mortgages, to rent and own property, and to open bank accounts. Iraqi refugees can open bank accounts but Afghans may not unless they have SIDs. Government circulars available to the public regulate these matters.” (ibid)

A report by *Amnesty International* under the heading ‘Refugees and asylum-seekers’ states:

“Iran continued to host almost 1 million refugees, most of them from Afghanistan. According to the government, up to an estimated 1 million other people were in Iran illegally.

At least 12 Afghan nationals, apparently returning to Afghanistan from Iran, were shot dead by Iranian border police in April in unclear circumstances.” (Amnesty International (28th May 2009) *Amnesty International Report 2009 – Iran*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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