EVALUATING PERFORMANCE OF IRAN’S DOMESTIC LAWS ON EFFECTIVE PROTECTION OF REFUGEES

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Abstract

The author is going to consider Iran’s domestic laws regarding to refugees and effective protection of them through regional cooperation. In the Iranian context, despite the voluntary return of hundreds of thousands of Afghan and Iraqi refugees to their countries of origin during the past decade, Iran remains host to one of the world’s largest and most protracted refugee populations. The Islamic Republic of Iran is a signatory to the 1951 Convention and its related 1967 Protocol and based on international commitments, provides services to refugees.

In Iran, refugees have following rights such as, residency permit and freedom to travel, access to court, law compliance, employment and so forth. Therefore there is need to study how the presence laws under Iran’s domestic laws regarding to refugees can be effective in improving refugee’s quality of lives. Therefore, there is need to study the role of present law and function of other related organizations respected to refugees and to consider the rights and duties of refugees within the borders of this country as well. The author will prove that due to difficult economic condition of Iran and failure to recognize refugees from labor migrants, if the present domestic laws towards refugee’s community and Iran’s neighboring countries work together closer and more committed through different agreements, they will enable to create a unified response to the refugee crisis.

Keywords: Iran, Domestic Laws, Refugees, Humanitarian Aid

1- Introduction

The right to seek asylum is enshrined in the Universal Declaration of Human Rights which has stated “every person has the right to seek asylum in another country for fear of persecution because of his or her ethnicity, religion, nationality or membership of particular social group”. Refugees are entitled to seek security and basic provisions to live safety, but when refugees flee in large numbers to neighboring countries particularly in less developed
or developing regions of the world, is not usually possible to ascertain whether every person involved in the influx actually meets the criteria for refugee status. But when conditions are objectively dangerous in a country of origin, refugees are recognized on a Prima Facie basis, without the need for further proof and are afforded protection accordingly. In Iran, when mass influxes resulting from emergencies have arisen, the government has undertaken Prima Facie refugee status determination procedures and has provided temporary shelters before examining each case individually, for example what is done for Afghans and Iraqi Kurds.¹

The Iranian government initially opened up its borders after the military invasion of Afghanistan by the soviet, on that time thousands of refugees flew into the neighboring countries like Iran and Pakistan and some also went to India, while smaller numbers left for Europe and North America.² From 1979 to 1992 refugee’s granted to Afghans under the Prima Facie basis. Indeed, from that time, Afghan refugees entering Iran were called as ‘Mohajerin’ or ‘Involuntary Religious Migrant’.

The next wave of Afghan fleeing in Iran was when civil war broke out in Afghanistan after 1992, those refugees who were not fleeing religious persecution and were classified according to 1951 Refugee Convention as regular refugees by the Iranian government. The next wave of Afghan refugees arrived between ‘1994 to 2001’ due to Taliban rule. In 2000, almost a quarter of a million Afghans sought refuge in Iran and still many Afghans flee to Iran because of insecurity. Therefore, close to four million Afghan refugees entered Iran and only a small group received residency permits while most remained in Iran illegally, these people are deprived of all legal right such as opening bank account, right to education, and other related rights to refugees.³

The majority of Afghan refugees to Iran were Dari/Farsi speaking, ethnic Tajiks, Farsis and in particular Hazara who were Shia Muslims like the majority of Iranians. In addition some Uzbeks, Norestainies and a few smaller ethnic groups came to Iran.⁴

It is noteworthy that, the Islamic Republic of Iran hosts one of the largest urban refugee populations worldwide with 97 per cent living in urban and semi-urban areas and the remainder living in settlements. Statistic available from 2011, estimated that 57 per cent of Afghan refugees live in the province of Tehran, Khorasan Razavi and Esfehan. According to the 2012 estimates by Iran’s official Bureau for Aliens and Foreign Immigrants’ Affairs (BAFIA) some 1.4 to 2 million Afghans who are not registered as refugee live and work in Iran. And further, the Islamic Republic of Iran is the third largest hosting country of the refugees under the UNHCR mandates in 2014.⁵ In addition, Islamic republic of Iran hosted up
to 500,000 Iraqi refugees after the three main waves of arrival in 1980, 1991 and 2003. Iraqi refugees were registered as Prima Facie refugees. New Iraqi asylum-seekers are required to have their refugee status determined individually through the “government Refugee Status Determination Procedure (RSD)”. The majority of them originate from central Iraq\(^6\) and their flow began in 1975, when Iraqi Kurds were forced to leave some zones and further when agreement between Saddam Hussein and the Shah of Iran allowed Baghdad to crush Kurdish rebellions. In 1980-1981 another 200,000 Iraqis who were known as Faili Kurds were expelled by their own government which later they claimed that they were descendants of Iranian immigrants and not of Iraqis citizens. And the third wave was within the Iraq- Iran war in 1980-1981, more people fled across the border, mainly from the Kurdish and Shia areas of Iraq. In 1999, tens of thousands of Iraqis fled to Iran after the assassination of Mohammad Sadiq al Sadr, the prominent Shia religious leader for fearing of persecution.\(^7\)

Today the number of registered refugees who those issued refugee cards by the Government of Iran being around 951,142 Afghan refugees and 28,268 Iraqi refugees. These numbers are calculated by the Bureau of Aliens & Foreign Immigrants’ Affairs (BAFIA)\(^8\) in 2015, which occurs annually.\(^9\) Despite the political and socio-economic challenges, the government had protected Afghan and Iraqis refugees through providing education, healthcare and livelihood opportunities and refugees inclusive in the Universal National Health Insurance Scheme. But for depth understanding the refugee’s status in Iran and finding out existence gaps in effective protection of them, considering different laws under Iran’s domestic responsibility towards refugees will be needed.

2- Iran’s Domestic Laws

The Refugee By- Law was the first legislation approved in Iran on refugees in 1963. This legislation proved the way for the legalization of refugee rights and the improvement of the status of refugees in Iran. According to Article 1 of the Iranian Refugee By- Law, “a Refugee, is a person who for political, religion or racial reasons or for a membership of particular social group fears persecution or a threat to his life or that of his family members supported by him, and seek asylum in Iran”. Under Article 2 of the same law; a refugee is identified by the following ways;

1- By crossing the border into Iran and inform the first border inspection without delay.
2- By submission of an application while residing outside Iran.
3- By requesting asylum and entry to Iran.
4- By submission of an application requesting asylum while residing in Iran. There is a Permanent Committee for a refugee based in the Ministry of Interior in charge of refugee affairs. The Committee has the authority to accept or deny refugee status, and manages all other refugee affairs. Article 7 of the Entry and Residence of Foreign Nationals Act 1931, states that, a foreign national requires permission from the Iranian authorities to enter, reside in and depart from Iran.

For accepting asylum seekers as refugee, Iran sends these applicants to camps while the government runs background checks to arrive at a decision on their status, an applicant who is physically and mentally healthy, and does not carry contagious disease, is released from the camp once his background checks are done and a decision on his legal status is abstained.

Refugees who remain in permanent camps receive a monthly stipend which is based on the financial ability of the Iranian government, the numbers of refugee in camps and their needs and stipend is paid to the head or guardian of the family. Therefore, through Amayesh card which is issuing by BAFIA, refugees are enable to access basic services and allowed Afghan and Iraqis to receive work permits, rationed food and supplies. This registration scheme started in 2003 and the registration has been carried out periodically. Recently the Amayesh 10 registration exercise is completed as of August 2015.

Those Afghan refugees who hold white refugee documents known as “Panahandegan”, mostly they are highly educated individuals and established professionals, and more often give to Iraqis than to Afghans. The white card, actually provide greater rights such as exemption from taxes, the right to work, and the right to obtain travel documents; but it also requires holders to renew their status every three months and to report movement and residence to the authorities. Therefore, the white card benefits than blue cards which has obtained by those Afghan refugees known as “Mohajerin”. Blue card holders were granted indefinite permission to stay in Iran legally. All these social advantages such as access to subsidized healthcare and food, and free primary and secondary education; but they could not own their own businesses or work as street vendors, and their employment was limited to low wage, manual labor ended in 1995 for blue card holders. One of the issues with the blue card was that the duration of stay was not specified, so the card could be revoked at any time.

In 2000, Iran passed a law known as Article 48 as part of the government’s five years development plan. This law established the parameters for the repatriation of Afghan refugees through a process administered by the Iranian Bureau of Aliens and Foreign Immigrant’s Affairs. Under Article 48, all Afghans without work permit were required to
leave, unless they could demonstrate that they would face physical threats on return. By the end of 2000, 130,000 Afghans had repatriated and 80,000 had been recognized as refugees by UNHCR and allowed to remain in Iran. By following this policy the movements of refugees was restricted to one province. In 2001, the Ministry of Labour and Social Affairs made employers of foreign illegal workers subject to heavy fines and imprisonment. Many small businesses employing Afghans were shut down. Afghans with residence cards were permitted to work in sixteen categories of mainly manual work. Under Iran’s domestic laws and regulations, recognized refugees are eligible for having following rights:

- **Residency Permit and Freedom to Travel**, even though refugees are prohibited from entering certain areas in the country for political, economic or social reasons.

- **Marriage**, refugee can marry the nationals of Iran and the main objective of marriage must be establishing a family rather than to obtaining a work permits or residency permits and citizenship and other rights. Article 1060 of the Iranian Civil Code states that, marriage of Iranian women with a foreign national is dependent upon special permission of the government. Before granting the permit, the Interior Ministry should determine whether the partner has legal residency and funding in Iran to provide for his spouse. On the other hand marriage between a refugee female and an Iranian male does not require permission from the Ministry of Interior or the government authorities. Afghan women and girls in Iran enjoy a number of freedoms of movement, access to quality education and ability to seek divorce than do women and girls in Afghanistan.

- **Birth Registration**, births are registered in Iran both when the children is born to parents who are Iranian and when he or she is born to foreign nationals who are residing in Iran legally.

- **Right to Property**, Article 13 of the Refugee Convention is related to right to acquire movable and immovable property; in Iran also the foreign nationals are allowed to acquire residential business or industrial property with a prior permit. Also there are no restrictions on the acquisition of movable property and refugees are free to purchase movable properties to any value.

- **Intellectual Rights**, a rights of refugee towards artistic and literacy work are respected by law in the same manner as the ownership of assets is protected. A refugee enjoy intellectual rights in addition to fiduciary rights and benefits, a trade mark and patent and industrial properties that belong to refugees, therefore the owner
of a registered trade mark has the exclusive right over the commercial brand. There are two conditions under which a refugee’s trade mark are protected:

- First, when a refugee owns a commercial, industrial or agriculture firm in Iran and when a trade mark is registered according to Iran’s law, the refugee will have legal rights and protection for the label or trade mark.

- Secondly, when a refugee owns a commercial, industrial or agriculture firm outside Iran, but wishes to use his label or trade mark to introduce the product. Regarding to patent rights, the law gives the same protection to refugees as it accords to Iranian nationals with respect to the protection of privileges and exclusive use of patents. A refugee’s patent is protected under Iranian law if two conditions are met:
  - First, there is no record that shows the patent was registered abroad to enable the refugee to register the patent for the first time in Iran.
  - Secondly, when there is a record that shows the patent was registered abroad for which the refugee seeks legal protections in Iran which cease if the invention has never used before in Iran, it is protected.  

- **Access to Court**, under Article 16(2) of Refugee Convention a refugee shall enjoy the equal right as nationals in access to court. Furthermore Article 144 of the Civil Procedure Code of Public and Revolutionary Courts on Civil Cases passed in 2000 states that, foreign nationals whether as claimant or third party to a claim should provide surety to compensate for the payment of costs or a lawyer for a claim.

- **Refugee Employment**, a refugee who seeks employment in Iran is treated as a foreign national and required to obtain a work permit. According to Article 120 of the Iran Labour Code 1990, foreign nationals are prohibited from seeking employment in Iran unless they have a work visa or obtain a work permit in accordance with relevant laws and regulations. Work permit are valid for a maximum of one year, but can be renewed and are valid for the specific job they are issued for. Therefore refugees who seek without a valid work permit or fail to inform the Ministry of Labour and Social Affairs within fifteen days of a job termination, has committed on offense and can be expelled from Iran. On the other hand, refugees are banned from membership in both production and distribution cooperative, because the nationality of the Islamic republic of Iran is the necessary condition for membership in cooperation.

- **Social Security**, the amended Article 5 of the Law on Social Security, passed in 1979, recognized full social security benefits for foreign nationals employed in Iran.
according to existing regulations regardless of their nationality. Foreign nationals and refugees employed in Iran with a work permit are subject to the rules of the social security law and receive the same treatment by law as is accorded to Iranian. Foreign workers are denied social security in two conditions;
- First, when the respective governments of foreign nationals certify that they have social security in their own or another country while employed in Iran.
- Secondly, when the respective government of foreign nationals and the government of the Iran sign bilateral or multilateral social security agreement, in which case foreign nationals able to receive social security from the foreign national’s country of origin.19

Many efforts have been made in this context, for example, UNHCR complements efforts of Ministry of Health in providing PHC20 services to all refugees, including vaccinations, antenatal care, maternal and child health, and family planning. And the next example is UNHCR joint interventions with partners include medical referral, harm reduction, gender-based violence (GBV) prevention, and Community-Based Rehabilitation (CBR), Universal Public Health Insurance (UPHI) and so forth.

- **Freedom of Religion**, Article 13 of the Iran’s Constitution, recognizes the followers of three divine religion; Zoroastrians, Jews and Christians. They are the only recognized religious minorities and they are free to perform their religious rites and ceremonies. Furthermore Article 14 of the Constitutions invites Muslims to treat non-Muslims well. This Article states that, Iran and all Muslims are duty-bound to treat non-Muslims on conformity with ethical norms and the principles of Islamic justice and equity and to respect their human rights. Other religious including Hindus and Buddhists are legally barred from practicing their religious rites officially or in public, but they are allowed to reside in Iran.

- **Travel Documents**; under Article 1 of the By-Law, refugees are allowed to travel abroad and the travel document is valid for one year after it is issued and can be renewed for five additional one-year terms.21

- **Naturalization**; it will be ending refugee status for persons interested in assimilating into the new society. According to Article 13 of the Iranian Refugee By-Law, naturalization is granted favorably to refugees who have observed Iranian laws and regulations during their stay in the country. Furthermore under Article 979 of the Civil Code, persons who meet the following conditions are able to acquire Iranian
nationality; if they have reached the age of eighteen, resided five years, whether continuously or intermittently in Iran, they are not deserters from military services and the last one when they have not been convicted in any country of serious non-political misdemeanors or felonies.22

- Public Education, according to Article 7(1) of Iran’s Refugee By-Law, a refugee will receive the same right accorded to Iranian nationals in the use of medical, cultural and social services when their application for refugee status is approved. This includes access to educations as registration fees, books and stationary. 23

In the ‘2013-2014’ school year, 338,276 refugee, children Afghan and Iraqis accessed education in Iran, with quasi-gender equality in favour of girls, 53 per cent girls and 47 per cent boys, but after 2015 due to the declare by supreme leader the literacy rate will be expected even more. In this year, UNHCR has committed to support the Government with the construction of three schools to benefit the refugee and host communities. Additionally, UNHCR, through partnership with Literacy Movement Organization (LMO) provided literacy classes for 3,000 adults and over aged children. 24 With Iran's generosity in providing access to education for refugees, the younger generation of Afghan refugees in Iran has become increasingly enthusiastic about education. UNHCR intervenes to alleviate the burden of different educational fees on refugee families, enabling them to send their children, including girls to school. Among education projects implemented by UNHCR, additionally there are construction of schools in refugee-populated areas, the provision of equipment and supplies for schools where the majority of pupils are Afghan, equipping libraries in both settlements and urban areas, providing transportation to students from settlements and helping vulnerable students have been made also by this refugee agency.

But it is worth mentioning that, the economic situation in Iran through various sanctions affected all sectors of the government and the increasing prices have affected refugees who are often in more vulnerable situations than the host populations as well and affected also the literacy rate among refugees. 25

3- Iran’s Regional Aids

There are many Programs and activities towards refugees in Iran which are designed in coordination with the activities carried out in Afghanistan, Pakistan and Iraq. For Afghan
refugees, main goals are set within the context of the prevailing situation in Afghanistan. And for Iraqi refugees, UNHCR Office in Tehran sets its objectives on them in light of the situation in Iraq and in consultation with OCM in Baghdad. Therefore, Iran in dealing with refugees has many regional agreement or contracts that can assist this country towards improving of refugee’s status according to their needs after returning to their countries of origin which are detailed in following parts:

3.1. Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran

In 1998-1999, the first deportation programme was launched by the Iranian authorities, targeting was undocumented Afghans. In 1995, the government announced that all Afghan refugees had to leave Iran. Later, Iran closed the border after Taliban in Afghanistan and repatriations were suspended. Instead, the Iranian authorities tried to confine refugees in camps. There were consequently as many as 98,000 living in camps in 1999. The Bureau for Aliens and Foreign Immigrants Affairs (BAFIA) started the first phase of the Aliens Identification Plan (AIP) on 19 February 2001 in 28 provinces of Iran, to identify and register the documented aliens in Iran. Government statistics indicated that a total number of 2,563,827 persons were registered which 2,355,427 were Afghans, 202,878 were Iraqis and 5,522 had other nationalities.

Voluntary repatriation remains the preferred durable solution for Afghan refugees in Iran and Measures taken by the Islamic Republic of Iran is addressing the basic needs and protection of refugees in the country. In this regard the principle that access to education, health care and diversified livelihood opportunities empower refugees and contributes to their sustainable reintegration upon return to Afghanistan. UNHCR works in close consultation with BAFIA to facilitate the voluntary repatriation in conditions of refugee’s safety and dignity. In this regard, at least a tripartite agreement was signed in April 2002 between Iran, Afghanistan and the UNHCR in order to facilitate the voluntary repatriation of Afghan refugees from Iran. The programme was reinforced when Taliban rule ended. The agreement, known as the ‘Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran”, that it has been renewed every year. It underlines the voluntary nature of the repatriation operation and also ensures the provision of basic support and assistance during the process including transport, medical facilities and customs procedures. This program through UNHCR assisted 918,263 Afghans in voluntarily returning home from the Islamic Republic of Iran. In additional, a total of 30,349 Iraqi refugees have been assisted to repatriate
voluntarily since 2003. However, the number of people who have returned in ‘2013-2014’ is lower than in previous years, so they require continued assistance. This agreement is made up of three parts: first, an information campaign describing the programme and options for voluntary repatriation; secondly, financial incentives to encourage voluntary repatriation and the UNHCR is offering money and crops to returnees and thirdly, refugee status screening for people claiming a continuing need for protection. At the time, the government protected those refugees who were not willing to go back to Afghanistan through holding them in camps.

3.2. Repatriation of Iraqi’s Refugees under UNHCR Policies

Towards Iraq refugees, the UNHCR began to repatriate them in 2003. The programme was initiated by the organization alone, which at the time was deployed in Iraq’s three regions. The repatriation programme already seemed difficult to process, and started on a very small scale. On that time, many refugees decided not to wait for the UNHCR, set up the programme and went back to Iraq. The border between Iran and Iraq is one of the most heavily mined in the world, making spontaneous crossings dangerous, and the UNHCR had strongly advised Iraqi refugees not to attempt the crossing on their own. A new border crossing was opened and used mainly by Iraqi Kurd refugees. Most of the Iraqi refugees have been repatriated until 2006. As the situation in Iraq remained unstable and precarious, the UNHCR interviewed all returnees before their departure, briefing them on security conditions in Iraq and ensuring that their decision to return was voluntary and well-informed. The aim of the interviews was to make sure Iraqis had received proper training and information, and knew what and where they were going back to. A transit centre was set up in Dyana where food, awareness training and medical assistance were provided by International Rescue Committee (IRC) and other non-governmental organizations. In 2004, the UNHCR called upon all states to suspend repatriations because of the violence in Iraq. UNHCR cancelled its convoys but could not prevent refugees from going back by themselves; but this happened after many Iraqis had already returned from Iran.

The UNHCR made new proposals in 2006 to improve the targeting of those to be sent back home and limited categories of people that will not be repatriated to their home countries because it would endanger their physical safety and well-being which These categories include unaccompanied females, single women with no family or close relatives in Afghanistan like widows; single parents with small children and without a breadwinner; unaccompanied elderly people; unaccompanied children; victims of serious trauma because
of sexual violence, physically or mentally disabled people and those with a medical illness. By 2007, the UNHCR guidelines regarding repatriation of Iraqi refugees had not changed because the situation was still deteriorating in Iraq. The UNHCR held an international conference on this issue in 2007 and called on states not only to welcome new waves of refugees but also to avoid any repatriation for now.

3.3. Afghan Voluntary Repatriation Programme in 2007

The 2007 Tripartite Agreement which incorporates first, the UNHCR to provide returnees with cash grants to facilitate their reintegration, secondly, the Government of Afghanistan to assist in securing land allocations for returnees, and thirdly, the Government of the Islamic Republic of Iran to provide one member of each family with the option of returning to Iran with a one year extendable work and residence permit. Since the start of the voluntary repatriation programme until the beginning of 2007, around 1,643,491 Afghan refugees had returned to their home country from Iran. 848,311 of Afghan returnees were assisted by UNHCR Iran.

Between November 2003 and December 2005, 146,692 Iraqis returned to their homeland. 18,305 of these Iraqi returnees were assisted by UNHCR Iran. As it mentioned earlier, towards the return process to Iraq was halted in 2006 due to the violate security situation there. In 2007 UNHCR had continued to do the following activities:

- Assist and provide support to the Government of the Islamic Republic of Iran in developing the Iranian asylum policy.
- Provide legal assistance and protection to refugees in Iran.
- Facilitate voluntary repatriation to Afghanistan.
- Facilitate voluntary repatriation to Iraq.
- Provide assistance to the Ministry of Interior and BAFIA to cover operational costs
- Implementation of assistance projects for registered Afghan and Iraqi refugees in Iran, and assistance to the most vulnerable non-campus refugees in Iran.

3.4. A Health Insurance Scheme (HIS)

A Health Insurance Scheme (HIS) was implemented in 2011, ensuring that refugees continue to benefit from free primary health care. Iran has been designated as one of the seven priority refugee situations for the strategic use of resettlement. UNHCR has projected a
total resettlement need of 82,000 persons among Afghan refugee populations in Iran. For 2013, UNHCR seeks as many as 5,000 places, including cases with special medical needs and women and girls at risk.  

3.5. Solutions Strategy for Afghan Refugees (SSAR) in 2012

In May 2012, the governments of Pakistan, Iran, Afghanistan and UNHCR adopted the “Solutions Strategy for Afghan Refugees” (SSAR). The SSAR outlines the need for increased voluntary repatriation, but also for enhanced resettlement as a means of international responsibility sharing, assistance to refugee affected and hosting areas (RAH) and alternative stay arrangements for refugees in Pakistan. Resettlement is considered to be a strategic component of the SSAR and a vital tool for maintaining adequate protection space. Prospects for local integration are limited and increasingly difficult due to the deteriorating economic situation. Due to the difficult economic conditions in Iran, voluntary repatriation to Afghanistan has arisen in 2011. Resettlement is therefore an important durable solution for the Afghan refugee population although only a very small number of Afghan refugees in Iran have benefited from such solution so far. In 2011, the “Refugee Contact Group on Iran” was established with the aim of enhancing the ongoing resettlement of Afghan refugees from Iran. It aims to increase the number of resettlement places available for Afghan refugees and to encourage multi-year commitments by resettlement countries to make the process more predictable and reliable for all parties. In addition to resettlement, the Contact Group has supported humanitarian assistance to refugees in Iran.

3.6. Contractual Agreement with LEGO

In 2013, NRC Iran signed a contractual agreement with LEGO, to introduce new learning methods to Afghan refugee’s children in rural Kerman. The contract was the first of its kind for NRC globally and the first time it was tried in Iran with wide range of areas through obtain opportunities to complete secondary education, as well as vocational or professional training for refugees that can lead them to employment. 32 Namely, in December 2013, NRC also launched its occupational health and safety activity, in the refugee settlement ‘Mohajerin Refugee Settlement’ in the Iranian province of Semnan. 33
3.7. Sustainable Livelihood Framework

In this program, UNHCR in coordination with relevant governmental entities, conducted a mission to Afghanistan in August 2015 to meet government ministries, UN agencies, private companies and NGOs working in the area of employment services and workforce development to collect information on the job market and explore opportunities to develop partnerships for voluntary repatriation and sustainable reintegration specially for that Afghan refugees who are interested in finding a job in their country. Food security is also strategically linked to the protection and livelihood of refugees. The World Food Programme (WFP) has been implementing a particularly important project in the refugee settlements that provides additional food assistance to families that send their daughters to school. This intervention aims to increase enrolment and reduce dropout rates among girls in secondary school.

The program “Sustainable Livelihood Framework” also presents a systematic approach that links poverty reduction, sustainability and empowerment objectives. This programme seeks to improve the livelihoods of persons of concern in two ways. First, it provides direct services that enhance refugees’ financial, human and social capital and secondly, through providing indirect support by influencing policies, institutions and systems in order to foster an environment in which the most vulnerable members of a community can achieve greater self-reliance. The main objective of improving livelihoods is self-reliance and economic independence of refugees, in order to support their sustainable reintegration in return and poverty reduction. It is expected that return to Afghanistan will be more viable for those with assets, education and skills. Activities will include vocational and livelihood skills training; training in life skills; and youth representation in planning and decision-making at community level.

3.8. In-country Solutions Strategy Activities in 2013

In order to improve the refugee’s livelihoods, have been done more inclusive participation in the coordination of in-country Solutions Strategy activities in 2013. The NSC members and representatives from government ministries, UN agencies, NGOs, and donor countries, have been created a working group that led to returned voluntarily of approximately 4,456 persons to Afghanistan.
3.9. Vocational Training with the Technical and Vocational Training Organization (TVTO)

Through joint collaboration with the Ministry of Interior, a private insurance company and UNHCR, innovative complementary health insurance services were provided to nearly 220,200 vulnerable refugees, including some 2,000 with special diseases. The Government and UNHCR also provided primary health care in 15 settlements and 29 urban locations. For the 2013-2014 school years, nearly 349,446 Afghan children enrolled in the National Iranian Education System. Projects to support education were also rolled out, including school construction, the provision of supplies and literacy training. Nearly 2,447 refugees received more than 50 different vocational training courses provided in partnership with the Technical and Vocational Training Organization (TVTO). In addition, a range of projects were implemented to improve the livelihood of Afghan refugees, including home-based enterprise development, revolving loan fund for micro credit, provision of income generating tools and cross-border job placement.

3.10. PORTFOLIO Projects

The other instance is, PORTFOLIO Projects which was prepared for each country first in 2014 and updated in 2015 by the National Steering Committees in each country. This PORTFOLIO is framed by the following objectives of the Solutions Strategy:

1- To seek durable solutions by supporting voluntary repatriation and enhancing resettlement options for the most vulnerable.

2- To empower Afghan refugees through improved education, access to health services and livelihood opportunities.

3- To support the Government of the Islamic Republic of Iran in the areas of education, health, shelter, water and the environment, in order to reduce the effects and consequences of the temporary presence of Afghan refugees. Iran has included preventive and curative health care for refugees in both the settlements and urban areas, with a particular focus on women and children. Its provision has also focused on; to ensure that refugees with certain diseases like, hemophilia, Thalassemia or renal failure are able to afford the necessary procedures, to integrate the refugees in the public health insurance scheme after 2014 which it was intended to enroll all registered refugees in the Universal Public Health Insurance same as Iranian nationals.
3.11. Memorandum of Understanding (MOU) on the Health Insurance

Finally, in recent year, a Memorandum of Understanding (MOU) on the Health Insurance was signed by the Minister of Labor, the Minister of Interior, and the Minister of Health on 4 May 2015. This MOU does not limit the implementation of health insurance to UNHCR funds, and UNHCR’s support will rather be used to complement governmental efforts and financial contributions.

There is the universal public health insurance UPHI scheme, also known as “Salamat Health Insurance” that is based on agreement between UNHCR, BAFIA of the ministry of Interior, the ministry of health and the Iran health insurance and the Iran health insurance organization. Through this project, refugees can benefit from a health insurance package for hospitalization, similar to that of Iranian nationals. Access to Salamat health insurance stands to benefit nearly one million afghan and Iraqi refugees living in Iran, and addresses the financial challenges related to the high cost of health care. Access to this insurance through UPHI improves the physical and mental health and the economic and social well being of refugees in Iran.34

4- Existence Gaps In Effective Protection

With concentrating on the status of Afghan and Iraqi refugees in Iran, regardless of Iran’s being generous to refugees due to ethnic and cultural commonalities, still there are various gaps and the government of Iran in refugee policies fail in some issues in effective protection of this vulnerable group such as; first, the situations of unaccompanied migrant children in Iran who are traveling without parents or other are ambiguous35 and they may be denied entry at the border or detained by immigration officials and given no opportunities to seek asylum. Therefore, the Government of Iran must ensure that these children have non-discriminatory access to education, housing and food, among other key rights, to ensure long-term security, safety and well-being, according to UNCHR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (1997), and the best interests of an unaccompanied child must be provided and the child not be returned unless, prior to the return, a suitable care-giver such as a parent, other relative, other adult care-taker, a government agency, a child-care agency in the country of origin has agreed, and is able to take responsibility for the child and provide him/her with appropriate protection and care.36 Secondly, Iranian law denies or severely restricts Afghans’ citizenship and marriage rights towards Afghan men who marry Iranian women without government permission that cannot
apply for Iranian citizenship, and the children of such marriages face serious barriers to citizenship and these women face such serious problems.

Thirdly, refugee women and girls require special protection and assistance ranging from physical security to cultural sensitivity. There is lack of training of mid-wives, septic abortions and insanitary conditions during birth, poor lighting during deliveries and frequency of pregnancies, all create difficulties for women. Cultural differences, language barrier, lack of familiarity with the working practices and domestic violence are some other problems they might face. On the other hand, Afghan women usually work at home, a result of cultural restraints and the women’s various responsibilities at home which does not welcome the work of women outside the home. Hence, shelling pistachios, cleaning wool, making brooms, cleaning saffron, making chains, and carpet weaving are examples of some of the work Afghan women do at home and middle aged Afghan women who work outside of home as picking and harvesting fruits and vegetables. Therefore, most of them work on unhealthy jobs. The women enlisted several obstacles and problems faced by their working such as illiteracy, education, health and income earning. Furthermore, many of women refugees are victims of domestic violence but unfortunately the concept of marital rape is not recognized by the law in Iran and it is not seen as a crime and there is no specific law against domestic violence, except Articles 42, 43, 66 of Iranian Code of Criminal Procedure which do not protect women sufficiently.

Finally, More than 360,000 refugee children are receiving primary and secondary education and a decree by the supreme leader has resulted in 48,000 undocumented Afghans being registered in school. Due to economic conditions of afghan refugees and the possibility of having a sustainable livelihood, there are many children still however cannot afford an education and still the crux of this issue affecting this population and this affect all the decisions regarding education, health and even decisions of return or secondary migration.

5- Conclusion

An intensified international sanction affected the delivery of basic services, and resulted in a dramatic rise in living costs in the Islamic Republic of Iran. Some 24 per cent of registered refugees are considered vulnerable, a rate that is expected to increase due to the economic situation. Sanctions also had negatively impact on UNHCR's ability to provide humanitarian assistance in an effective and timely manner. Despite all these sanctions and
lack of effective international supports, Iran in compare with other neighbor countries is in
good condition regarding to protection of refugees.
Towards effective protection of refugees, the Iranian Government must be allowed Afghans
who they have arrested for unlawful presence to lodge refugee claims or otherwise seek a
protected status, review such claims fairly and efficiently, and ensure them to have his or her
case reviewed by a judge and has access to free legal assistance and the right of appeal.
Further particular focus must be given to the requirements of certain groups of refugees. For
instance, special attention should be paid to meeting the educational needs of refugee girls,
encouraging their enrolment, attendance and completion of schooling cycles. Afghan Girls
allow attending school in Iran, and school was overall free of charge until 2004, since that
time Iran implemented a fee for foreign student and Afghan attending school or university
had to pay a small fee around $50. But most of the refugees in Iran face with low income
earning and they may not able to provide this much money, therefore Iran should make
difference between refugees and foreign student and attending school should be free for
refugees. Furthermore, opportunities for early childhood learning must also be provided, as
will language, literacy, skills and numeracy training for over-aged students and adults,
especially for women. Provision of child care, small loans and a job-search service would
enable many more women to earn a living. The refugees should be involved in decision
making and solving refugee problems. Since the refugee women are the best judges of their
needs and aspirations, they should be included in all aspects of programme design and
implementation. Furthermore, Law makers must create particular Law to better protect
women as well as women refugees under domestic violence which placed within the
refugee’s families. Therefore, there is need to particular attention given to gender issues and
the experience, concerns and aspirations of female adolescents and women.
Regarding to unaccompanied Children who they are other type of vulnerable refugees,
Article 3 of the CRC sets out that in all actions concerning children, whether undertaken by
public or private social welfare institutions, courts of law, administrative authorities or
legislative bodies, the best interests of the child shall be a primary consideration. The best
interest of the child should be mainstreamed into all aspects of procedural operations
involving unaccompanied and separated children. Therefore, Iran must design either any
system to support the unaccompanied and separated child through local integration strategy
until the age of eighteen or through providing constitutional solution under political and
moral concerns related to the return of children to questionable and possibly dangerous
environments with ensuring safe repatriation and also the child welfare expertise must be assigned responsibility for the immediate and longer-term care of unaccompanied children through UNHCR, UNICEF and qualified NGOs.

Since the majority of refugees in Iran work as unorganized labour, Iran may better gives facilities and encourages refugees in creating more self employment. And the By- Refugee Law through amendments or addition can help to distinguish refugees from labour migrants which stressed on importance of refugee status in compare with labour migrants.

And finally more regional programs for improving ties among Iran and its neighbors regarding to effective protection of refugees and creating a unified response to refugee crises in helping them to live in safety and dignity and their secure repatriate, to be needed.

6- References


1 Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, SAQI, 2008, 25.
3 Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, SAQI, 2008, 12.
8 BAFIA is the department responsible for refugee affairs in the country and following the review of the refugees’ status under the Amayesh scheme, through issuing Amayesh cards to refugees.
10 Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, SAQI, 2008, 27.
14 SHIRIN EBADI, Refugee Rights in Iran, the UN Refugee Agency, SAQI, 2008, 35.
15 Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008), 53.
16 Ibid. P: 59.
17 Ibid. P: 90.
18 Social security in Iran covers all following areas such as, accident and sickness, maternity, wage compensation, disability, retirement, death, marriage and children.
20 Primary Health Care network has been established throughout the country. In rural areas, each village or group of villages contains a Health House, staffed by trained “Behvarz” or community health workers. In urban areas, similarly distributed urban health posts and Health Centers have been established. The whole network is managed and administered through District Health Centers, answerable to the Ministry of Health and Medical Education. Available at: http://www.unicef.org/iran/media_4427.html, (last visited: 9 June 2016)
21 Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, SAQI, 2008, 129.
22 Ibid., p: 131
23 UNHCR, “Once an Afghan refugee in Iran, now a high-flier in his own country” (5 August 2013), available at: http://www.refworld.org/country,,UNHCR,,IRN,,51f1a3984,0.html, (last visited: 9 June, 2016).


Afghan boys and men were given training by specialists on how to protect themselves whilst on worksites. As learned in the trainings many such injuries and dangers faced on a construction site can be avoided through having a basic understanding of how to prevent harm and how to use various tools. It also focuses on strengthening the living standards of refugees in settlements, through the construction and rehabilitation of shelter and settlement.


