



Iran - Researched and compiled by the Refugee Documentation Centre of Ireland on 17 October 2014

Q18731 - Information on the treatment of returned asylum seekers.

A report by the *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)* under the heading "Treatment of failed Iranian asylum-seekers upon return to Iran" states:

"Referring to information obtained from several sources, the Swiss Refugee Council (SRC) describes the authorities' practice of dealing with returned asylum-seekers as "arbitrary" and "unpredictable". An unnamed Iranian judge is quoted as saying that rejected asylum-seekers returning to Iran are questioned, regardless whether they were politically active in Iran or abroad. According to the judge, they are guilty if they attempted to engage in "propaganda" against Iran, and remain in detention until a verdict has been delivered by a judge. Returning asylum-seekers are thus placed in detention for several days until the police have verified that they had not engaged in any political activities, after which they are released. However, if a person was active politically, whether in Iran or abroad, he or she will be prosecuted and punished (SRC, 18 August 2011, p. 6)." (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (September 2013) *Iran: COI Compilation*)

A response by the *Immigration and Refugee Board of Canada* under the heading "Treatment of Anti-government Activists Upon Return to Iran" states:

"In correspondence with the Research Directorate, a representative of the United Nations High Commissioner for Refugees (UNHCR) indicated that UNHCR Turkey is aware of political activists or perceived activists who have been identified through techniques such as photographic screening or interrogation by the authorities upon their arrival at the Tehran airport from abroad (17 Jan. 2014).

The Professor of political science indicated that people "who are known for their anti-government activities outside Iran are treated harshly" when they return (5 Jan. 2014). The Director of Small Media similarly indicated that "if an activist is known to authorities, he or she will most likely be targeted and face prosecution upon return" (Small Media 14 Jan. 2014). The Director cited two recent cases of anti-government activists who returned to Iran and were arrested: one in December 2013 and another one in January 2014 (ibid.)." (Immigration and Refugee Board of Canada (20 January 2014) *IRN104730.E Iran: Treatment of anti-government activists by authorities, including those returning to Iran from abroad; overseas monitoring capabilities of the government (2012-2013)*)

The report continues:

"According to the Director of Small Media, if the activist is not known, it is hard to say how he or she will be treated (14 Jan. 2014). He explained:

The risk upon return depends on the visibility of the individual both online and offline. If someone is not visible enough, they may not be at risk, however it is not possible to

say that they will not be at risk because often the authorities act rather arbitrarily. Sometimes, even people who are not high profile activists are arrested and prosecuted upon return to Iran for minor political activities that they have done online while being outside of Iran. (Small Media 14 Jan. 2014)” (ibid)

A report by *Amnesty International* under the heading “Beyond Iran’s Borders” states:

“Failed asylum seekers also risk arrest if they return to Iran, particularly if forcibly returned, where their asylum application is known to the authorities. A report issued by a Swiss refugee agency quotes an unnamed judge as saying:

“Asylum seekers are interrogated on return, whether or not they have been political activists in Iran or abroad. If they have tried to conduct propaganda against Iran, then they are culpable and are detained until a judge decides the sentence. In recent years many people have tried to destroy the reputation of Iran and this must be stopped. Such people help the opposition groups and their culpability is plain. Returnees will therefore be held for a few days until it is clear to the police, that they have not been involved in political activity. If the police can prove that the person was not active and has not done or said anything that could damage the reputation of the Islamic Republic, then they are released. If the person was either politically active in Iran before leaving, or has been active abroad, they must be tried and receive a punishment appropriate to their activities.”

This report followed an article written by a former Supreme Court judge which appeared in Iran newspaper, a daily paper published by the Iranian government, on 17 February 2011. Referring to existing laws that enable Iran’s judiciary to bring charges against Iranians for alleged violations of Iranian law committed while outside Iran, the article stated that failed asylum-seekers could be prosecuted for making up accounts of alleged persecution. On 26 April 2011, Kayhan newspaper, which is controlled by the Office of the Supreme Leader, also reported that Iranians are seeking asylum “on the pretext of supporting the opposition.” (Amnesty International (28 February 2012) *‘We are ordered to crush you’: Expanding repression of dissident in Iran* - pg.56)

A country advice by the *Australian Government Refugee Review Tribunal* states:

“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.” (Australian Government Refugee Review Tribunal (19 August 2010) *Iran – IRN37255 – Asylum seekers – 2009 Election protests – Returnees – Tehran Airport – Arrival procedures*)

References:

Amnesty International (28 February 2012) *'We are ordered to crush you': Expanding repression of dissident in Iran*

<http://www.amnesty.org/en/library/asset/MDE13/002/2012/en/2b228705-dfba-4408-a04b-8ab887988881/mde130022012en.pdf>

(Assessed 16 October 2014)

Australian Government Refugee Review Tribunal (19 August 2010) *Iran – IRN37255 – Asylum seekers – 2009 Election protests – Returnees – Tehran Airport – Arrival procedures*

http://www.ecoi.net/file_upload/1788_1294672806_irn37255-1.pdf

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Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (September 2013) *Iran: COI Compilation*

<http://www.refworld.org/docid/522ec5aa4.html>

(Assessed 16 October 2014)

Immigration and Refugee Board of Canada (20 January 2014) *IRN104730.E Iran: Treatment of anti-government activists by authorities, including those returning to Iran from abroad; overseas monitoring capabilities of the government (2012-2013)*

<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455059&pls=1>

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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.

Sources Consulted:

Australian Government Refugee Review Tribunal

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

BBC News

Danish Immigration Service

Electronic Immigration Network (EIN)

European Country of Origin Information Network

Human Rights Watch

Immigration and Refugee Board of Canada

Lexis Nexis

United Kingdom Home Office

UNHCR Refworld

United States Department of State