



Afghanistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 9 April 2018

In what circumstance are Afghan nations permitted to reside and/or work in Iran? If an Afghan national cannot afford to pay for the cost of renewal of his residency card in Iran, does he lose any residency right he might have previously been granted?

Is it possible for an Afghan national to acquire the right to Iranian citizenship through naturalisation?

An Immigration and Refugee Board of Canada response to an information request, in a section titled “Rights and Procedures for the Foreign-born Spouse of an Iranian Woman to Obtain Iranian Citizenship”, states:

“In correspondence with the Research Directorate, an official from the Legal Affairs Unit within the Interests Section of the Islamic Republic of Iran, situated at the Embassy of Pakistan in Washington DC, indicated that the foreign-born spouse of an Iranian woman does not have the ‘right’ to obtain Iranian citizenship. According to the US Department of State’s Country Reports on Human Rights Practices for 2014, in Iran, ‘women may not transmit citizenship to their children or to a noncitizen spouse’. The website of the Iranian embassy in The Hague states that a foreign man married to an Iranian woman ‘will not be considered an Iranian national’ and he would require a visa to travel to Iran, although the Iranian woman can submit a written request so that her spouse ‘will have the privilege of a minimum visa wait time’.

According to an article on ‘The Iran Primer,’ a website produced by the US Institute of Peace (USIP), an independent, nonpartisan, federally funded research institute created by Congress that provides ‘analysis, education, and resources to those working for peace’, the most recent amendments to the Iranian citizenship law occurred in 2006 and included modifications to the categories of people who could become naturalized citizens. The law recognizes ‘seven categories of people as Iranian citizens’:

1. Anyone residing in Iran, except those whose foreign nationality is established;
2. Those whose fathers are Iranian;
3. Children [born in Iran (Iran 1928, Art. 976)] with unknown parentage;
4. Children born in Iran to foreign parents, one of whom was born in Iran;
5. Children born in Iran whose fathers are foreigners and who reside in Iran at least one year immediately after they turn eighteen years old;
6. Women of foreign nationality who marry Iranian men; and
7. Foreign nationals who obtain Iranian citizenship.

The same source further states that individuals who fall outside of the above categories ‘may still become naturalized citizens through a stringent process

subject to the government's discretion” (Immigration and Refugee Board of Canada (14 August 2015) ZZZ105265.E – *Iran and Pakistan: The rights and procedures for the foreign-born spouse of an Iranian woman to obtain Iranian citizenship; rights and procedures for a child of an Iranian woman and Pakistani man, born outside Iran, to obtain Iranian citizenship*)

A report from the International Federation for Human Rights states:

“However, it must be noted that Afghans who have lived in Iran for nearly four decades and their children, who were born and grew up in Iran, are barred from voting because there are no laws that allow them to apply for citizenship.” (International Federation for Human Rights (FIDH) (18 May 2017) *Q&A: Iran's presidential election 2017*)

A report published by Human Rights Watch, in a section titled “Denial of Citizenship and Marriage Rights”, states:

“Iran’s restrictive and discriminatory marriage laws allow Afghan women who marry Iranian men to gain citizenship but deny citizenship to Afghan husbands of Iranian women. Iranian law also denies citizenship to children born in Iran to Afghan parents and to Afghans who have spent decades in the country. With a few exceptions, citizenship is not an option for Afghans in Iran.” (Human Rights Watch (20 November 2013) *Unwelcome Guests: Iran’s Violation of Afghan Refugee and Migrant Rights*, p.68)

This section of the report also states:

“Until recently, children born to Iranian mothers and foreign fathers were not issued national identification papers and were therefore deprived access to primary education and health benefits in Iran. A new law passed by Iran’s parliament in May 2012, however, provides these children with permanent residency rights and allows them to access the same social, health, and educational benefits that other Iranians enjoy.²¹² But the law still refuses to allow foreign nationals who were either born in Iran or who have resided there for decades the opportunity to acquire Iranian citizenship.” (ibid, p.69)

In a section titled “Limitations on the Right to Work” this report states:

“A temporary work permit issued to an Afghan refugee, moreover, qualifies that individual to work only in narrowly defined occupational fields.²²⁵ The vast majority of these jobs are heavy manual labor positions that have been selected based on labor market demands and to ensure that Afghans do not take jobs away from Iranian citizens. Examples include: plaster manufacture, making acid for batteries, digging, brick-making, laying asphalt and concrete, herding sheep, slaughtering animals, burning garbage, loading and unloading trucks, stone cutting, road building, mining, and farming. These occupations are often not only poorly paid, but dangerous.

Afghans found working in unauthorized occupations are considered to have violated the terms of their refugee status under the Amayesh system and are subject to deportation back to Afghanistan. The ability of Afghans to choose their employment is also severely restricted by the restrictions on place of residence and freedom of movement described above.” (ibid, p.71)

A report from Radio Free Europe/Radio Liberty states:

“The United Nations estimates the number of Afghan citizens in Iran at just under 1 million, many of whom claim to face violence and injustice in the Islamic republic. Tehran puts the figure of documented and undocumented Afghan refugees and migrants closer to 3 million. Tehran has expelled many Afghans and periodically threatens those who remain with mass expulsions. Many of them moved to Iran following the Soviet occupation of Afghanistan and the civil war that followed the Soviet withdrawal. Others sought refuge in Iran after the Taliban took power in Afghanistan. Many have taken on menial work that is of little appeal to Iranians, yet they are often blamed for insecurity and unemployment. In 2015, Iranian Supreme Leader Ayatollah Ali Khamenei issued a decree allowing all Afghan children to be allowed into schools. Afghans are still denied basic services, however, including access to health care, jobs, and even housing.” (Radio Free Europe/Radio Liberty (19 July 2017) *Iranian Lawmakers Aim To Scrap Discriminatory Citizenship Law*)

The 2016 US Department of State country report for Iran, in a section headed “Acceptable Conditions of Work”, states:

“Employers sometimes subjected migrant workers, most often Afghans, to abusive working conditions, including below-minimum wage salaries, nonpayment of wages, compulsory overtime, and summary deportation without access to food, water, or sanitation facilities during the deportation process.” (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices – Iran*, 47)

A report published on the Qantara website, an internet portal founded on the initiative of the German Foreign Office, states:

“In order to earn money to send to his family in Afghanistan, he worked between 12 and 16 hours a day on a construction site together with other Afghans. ‘None of us had papers. Almost every Afghan in Iran works illegally, usually in construction,’ relates Hossein. Most Afghan migrants in Iran have no opportunity to educate themselves because they are denied access to schools and university. Iranian citizenship is the prerequisite to finding legal work or gaining an education. This remains a pipe dream for many Afghans. ‘It is easier to get a Green Card,’ says Hossein.” (Qantara (18 June 2014) *Treated like second-class citizens*)

In a paragraph headed “Cannon fodder for the Syrian civil war” this report states:

“It recently became known that the Iranian government has been sending Afghan refugees to Syria to fight for Bashar al-Assad against the Syrian insurgents. According to reports, the government in Tehran has promised Afghans willing to go to Syria a residence permit, Iranian citizenship, or something similar in return. In addition, it has promised that the children of these refugees will be permitted to attend school and university.” (ibid)

An article from UK newspaper The Times states:

“More than 2,000 Afghans recruited by Iran to fight in Syria have been killed in the defence of President Assad's regime, according to an Iranian reformist newspaper. The fighters are members of the Fatemiyoun Brigade, believed to be the largest single contingent of foreign fighters on the regime side. They are mostly members of Afghanistan's Shia minority, many of whom have fled to Iran to escape persecution by the Taliban. Previous reports have claimed that young Afghan men are threatened with being sent back if they do not 'volunteer'. In return they and their families are given residency papers. Those who are 'martyred' win citizenship for relatives.” (The Times (8 January 2018) *Hundreds of Afghan men volunteer to die for Assad*)

See also article published on the National Council of Resistance of Iran website which states:

“The Fatimioun brigades, which are loyal to the Iranian Revolutionary Guard Corps (IRGC), are mostly made up of Afghan refugees who fled to Iran for sanctuary. The Iranian Regime promised that the refugees who joined this Iran-backed militia would be granted citizenship for them and their families upon their return, which is a violation of the rights of refugees.” (National Council of Resistance of Iran (NCRI) (15 March 2018) *More Iran Regime's Militants Die in Syria*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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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