



Iran – Researched and compiled by the Refugee Documentation Centre of Ireland on 7 March 2016

What evidence, if any, is there of the following: Adverse treatment of failed (including failed Kurdish) asylum seekers on return to Iran

A country advice document published by the Refugee Review Tribunal of Australia in 2010, in response to the request “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?”, provided the following answer:

“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) *Country Advice: Iran*)

A fact-finding mission report jointly published by the Danish Refugee Council, the Danish Immigration Service and the Norwegian LANDINFO, in a section titled “Return of former Iranian refugees of Northern Iraq to Iran” (section 3.3), states:

“Four western embassies in Tehran were asked whether Iranian Kurds who have been living in Northern Iraq for a long period of time, for example former residents of the Al Tash camp in Iraq, are able to return to Iran. The embassies all replied that they had no knowledge of such returns taking place and that it is difficult to obtain information on the situation in the Kurdish areas. One embassy said that MKO members from Iraq were reportedly welcomed back if they repented. Another embassy said that it was aware of returns of former MKO members from Iraq and not others. The source added that the Iranian government several times had expressed that those MKO members who do not have blood on their hands, are able to return to Iran and that some had returned after having repented their activities.” (Danish Refugee Council, Danish Immigration Service and Norwegian LANDINFO (February 2013) *Iran: On Conversion to Christianity, Issues concerning Kurds*)

and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, p.45)

This section of the report also states:

“Asked about the return of former Iranian refugees of northern Iraq to Iran especially former residents of the now-closed Al Tash camp, an international organization in Ankara said that it is well-known that the camps in northern Iraq where such individuals now reside, were under the control of KDPI and Komala. It was considered that the Iranian government views the inhabitants of these camps as ex-affiliates of KDPI and/or Komala. The source had no information of persons who had returned to Iran from northern Iraq. The source further added that if someone would opt to return, it is granted that the person would have to give a testimony to the Iranian authorities. The source also emphasized that the Iranian government takes Kurdish separatism very seriously. At the same time, the source mentioned that traffic across the border between Iran and northern Iraq is busy and it is impossible for the authorities to control the border effectively. Regarding Kurds who have lived in Northern Iraq for many years, who have had links to the now-closed Al Tash camp, AIIIS considered it very difficult for such individuals to return to Iran. It was added that no one, to the best of AIIIS’ knowledge, has tried to repatriate this group to Iran.” (ibid, pp.45-46)

A Country guidance document published by the Refugee Review Tribunal of Australia, in a section titled “Political Opinion” (section 5), states:

“In February 2012, Amnesty International stated that failed asylum seekers risk arrest if they return to Iran, particularly if forcibly returned, where their asylum application is known to the authorities. On 17 February 2011, in an article published by Iran Newspaper, a retired Iranian Supreme Court judge suggested that returned failed asylum seekers could be prosecuted for creating accounts of alleged persecution in Iran. Western media and NGOs have reported several incidents of mistreatment and detention of returned failed asylum seekers. Some of these reports suggest that returned asylum seekers detained by the Iranian authorities had 'anti-government' profiles, such as being a student activist or perceived Arab political activist, or drew attention to their bid for asylum abroad. In 2011, Iran Human Rights (IHR) website and Amnesty International stated that a Kurdish failed asylum seeker, Rahim Rostami, was reportedly imprisoned after being returned to Iran. In June 2011, IHR reported that Rostami was released on bail and that his asylum application and participation in opposition rallies in Norway were reportedly the reasons for charges against him. According to a Norwegian NGO PeoplePeace, Rostami appeared in a documentary on Norwegian television. On 6 May 2011, Amnesty International reported that student activist Arash Fakhavan was reportedly arrested on arrival in Tehran after returning from France where he was an asylum seeker. Mr Fakhavan was previously arrested for his participation in December 2009 protests and charged by the Iranian authorities with ‘insulting the Supreme Leader and taking part in riots and unrest’ “(Australian Government: Refugee Review Tribunal (June 2013) *Country Guidance Note: Iran*)

An Immigration and Refugee Board of Canada response to a request for information on persons returning to Iran from abroad, in a section titled “Treatment of Anti-government Activists Upon Return to Iran”, states:

“Several sources indicate that the treatment of anti-government activists who return to Iran is case specific. The Professor of history said that, after the elections, ‘a number of academics in Iran who were fired from their positions based on their political opinion or secularism during the Ahmadinejad period, are now being called back to work’. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. 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. The Professor of political science indicated that people ‘who are known for their anti-government activities outside Iran are treated harshly’ when they return. 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’. 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.” (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)*)

A document published by the Austrian Centre for Country of Origin and Asylum Research and Documentation, in a section titled “Treatment of failed Iranian asylum-seekers upon return to Iran” (section 5.9), refers to information contained in a German-language report from the Swiss Refugee Council as follows:

“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 (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (September 2013) *Iran: COI Compilation*, p.141)

This section of the document also states:

“The August 2011 report of the Swiss Refugee Council (SRC) mentions the case of a young male Iranian who was transferred from a European country to the Dublin country in charge of processing his asylum claim, from where he was returned to Iran. He was arrested immediately upon his arrival and subjected to ill-treatment in prison. He was waiting for his verdict at time of reporting. In another case, a female asylum-seeker was arrested after her deportation to Iran although she had no political profile. She was reportedly

released on bail, with no information available on the charges brought against her.” (ibid, p.142)

A report from Reuters states:

“Rouhani enjoyed the support of prominent reformist politicians during his campaign and has pledged to relax restrictions at home. Inviting critics back into the fold could broaden his base of support, at a time when the economy is buckling under sanctions over Iran's nuclear program, and help wealthy Iranians abroad to feel secure enough to invest in the country. He stands to gain international plaudits as well: the release in September of prominent political prisoners, including human-rights lawyer Nasrin Sotoudeh, won Rouhani global praise. But there is no guarantee government critics will be safe if they return. The judiciary, dominated by conservatives and answering to Supreme Leader Ayatollah Ali Khamenei rather than Rouhani, can question those returning and pursue charges. Judiciary spokesman Gholamhossein Mohseni-Ejei said in July that Iranians who left could come back but may face prosecution.” (Reuters (10 October 2013) *Insight: Exiled Iran dissidents ponder return after Rouhani election*)

An article from the Washington DC based Iran Times states:

“The Foreign Ministry says about 5 percent of Iranian expatriates will be arrested for crimes upon their arrival at Iranian airports. It is the first time the government has revealed how many emigres are wanted by the Islamic regime. Deputy Foreign Minister Hassan Qashqavi said a few weeks ago that the government was compiling a list of all those wanted and would be happy to tell anyone who inquired if they were on the list or free to visit. He told the state new agency that 95 percent of the Iranians living abroad have no problems with the state and are free to visit.” (Iran Times (21 February 2014) 5% of expats will be arrested if they return home)

A report published on the Iran Human Rights website states:

“On extradition of Iranian asylum seekers to Iran, Amiry-Moghaddam said:” Iranian authorities have recently signaled that Iranians who have sought asylum abroad should be charged for ‘dissemination of false propaganda against the Islamic Republic of Iran’ and punished for that. This means that seeking asylum by itself could be a reason for the Iranian authorities to subject the asylum seekers who are extradited to Iran, to persecution, imprisonment and ill-treatment.” (Iran Human Rights (23 March 2011) *A Kurdish asylum seeker extradited from Norway to Iran is in danger of torture and ill-treatment at Tehran’s Evin prison*)

An article published on the website of the New York based International Campaign for Human Rights in Iran refers to a statement by Iranian government minister Hassan Qashqavi as follows:

“Qashqavi said last month that other than individuals “with judicial cases,” all Iranians living abroad are “free” to travel back and forth to Iran. He also provided an email address where Iranians could write to inquire about their travel permission status from the Foreign Ministry. In July 2013, Iran’s Prosecutor General and Spokesperson for the Iranian Judiciary Gholamhossein Mohseni Ejei said at a press conference that everyone is

allowed to return to Iran, but not everyone is allowed to leave the country. 'If an individual commits a crime and leaves the country, or if he commits a crime against the state abroad, as soon as he returns to the country, he will be arrested by the judicial system.' Regarding individuals who were involved in the 2009 post-election events, which Mr. Ejehi referred to as 'the 2009 Sedition,' he said, 'If these individuals return to the country, they will be prosecuted immediately upon arrival.'" (International Campaign for Human Rights in Iran (29 January 2014) *Intelligence Ministry Reviews Cases of Iranian Expats for Return*)

An article from the Irish Times states:

"An 'irrational' deportation order by the Minister for Justice against an Iranian who claimed he faces death in his home country, has been quashed by a High Court judge. Ms Justice Mary Faherty said the man was not part of a political party in Iran but described himself as opposed to the ruling regime in Iran and to 'the system of theocracy in that state.' The 37-year-old Iranian, who cannot be named for legal reasons, had claimed that as a failed asylum-seeker he could face arrest, detention, torture and disappearance if returned to Iran." (Irish Times (26 August 2015) *'Irrational' deportation order quashed by High Court judge*)

An article from UK newspaper The Guardian comments on the deportation of an Iranian as follows:

"His lawyer, Ali Rahimi, said: 'Iran is a theocracy – anything viewed as breaching Islamic rules and regulations would be interpreted as opposing the fundamental basis of the regime. I would strongly argue that appearing on an exile TV station performing music that cannot be played in Iran is displaying political opposition.' Rahimi said deporting Dezfuli also risked the safety of his family in Tehran, who have been harassed by the Iranian authorities because of his TV performances in the UK. 'His father is a former political prisoner and victim of torture and a pro-democracy activist,' the lawyer added." (Guardian UK (1 January 2016) *Iranian man faces deportation after Home Office rejects safety fears*)

An article published on The Commentator, the website of journalist, author and political analyst Robin Shepherd, offers the following opinion of Iranian asylum seekers:

"Only a tiny minority of asylum applicants from Iran are genuine political activists or face persecution for their religious beliefs or their sexuality etc. Most of these bogus asylum seekers who initially claim their lives are in danger and they face execution or prison if they are returned to Iran, actually travel back and forward to Iran frequently, after their asylum application is approved and they become residents in the host countries. This farcical situation is not one that Iranian opposition activists approve of either, for it clogs up the process for the genuine Iranian dissidents fleeing real danger and persecution from the Islamic Republic." (The Commentator (22 April 2015) *Iran's win-win policy on asylum seekers to the West*)

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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