



Home Office

Country Policy and Information Note

Iran: Illegal exit

Version 5.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 18 January 2019

1. Basis of claim

- 1.1.1 Fear of persecution or serious harm by the Iranian authorities because the person left Iran illegally.

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Convention reason

- 2.2.1 Leaving Iran illegally does not, in itself, engage the Convention, but consideration must be given to whether a person would face a real risk of serious harm on the basis of having left the country illegally and be eligible for a grant of [Humanitarian Protection](#).
- 2.2.2 For further guidance on Convention reasons and particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 If it is accepted that the person has committed or has been involved in a group responsible for human rights abuses, decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must nevertheless be considered on its individual facts and merits.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Restricted Leave](#).

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2.4 Assessment of risk

- 2.4.1 Reports differ as to whether the Iranian government requires all citizens to have exit permits for foreign travel. However some citizens, particularly those whose skills are in demand and who were educated at government expense, have to additionally post a bond to obtain an exit permit (see [Exit procedures](#)).

- 2.4.2 A woman must have the permission of her husband, father, or other male relative to obtain a passport (see [Procedures for women](#)).
- 2.4.3 Although the law provides that a person can be fined on return or sentenced to between one and three years' imprisonment if they left Iran illegally (i.e. without an exit permit), current evidence is that returnees who left Iran illegally and have no other history which would bring them to the attention of authorities (such as political activism) generally do not face prosecution. If prosecuted, the likely sentence is a fine, and there is not a real risk of imprisonment (see [Treatment of returnees who exited illegally](#)).
- 2.4.4 In the Country Guidance case of [SSH and HR \(illegal exit: failed asylum seeker\) Iran \(CG\) \[2016\] UKUT 308 \(IAC\)](#), heard on 10 May 2016 and promulgated on 29 June 2016, the Upper Tribunal (UT) of the Immigration and Asylum Chamber found that, 'The examples given show that people found guilty of another offence may in addition receive a prison sentence for illegal exit, but they do not show that people are sentenced to imprisonment for illegal exit per se. Indeed, the evidence suggests that there is no appetite to prosecute for illegal exit alone, but if there is another offence, illegal exit will be added on' (paragraph 31).
- 2.4.5 It also found:
- (a) An Iranian male whom it is sought to return to Iran, who does not possess a passport, will be returnable on a laissez passer, which he can obtain from the Iranian Embassy on proof of identity and nationality.
- (b) An Iranian male in respect of whom no adverse interest has previously been manifested by the Iranian State does not face a real risk of persecution/breach of his Article 3 rights on return to Iran on account of having left Iran illegally and/or being a failed asylum seeker. No such risk exists at the time of questioning on return to Iran nor after the facts (i.e. of illegal exit and being a failed asylum seeker) have been established. In particular, there is not a real risk of persecution leading to imprisonment.' (paragraph 33)
- 2.4.6 In the Country Guidance case of [HB \(Kurds\) Iran CG \[2018\] UKUT 430 \(IAC\)](#) heard on 25 May 2018 and promulgated on 20-22 February and 25 May 2018 the Upper Tribunal (UT) of the Asylum Chamber found:
- 'SSH and HR (illegal exit: failed asylum seeker) Iran CG [2016] UKUT 308 (IAC) remains valid country guidance in terms of the country guidance offered in the headnote. For the avoidance of doubt, that decision is not authority for any proposition in relation to the risk on return for refused Kurdish asylum-seekers on account of their Kurdish ethnicity alone.
- 'Since 2016 the Iranian authorities have become increasingly suspicious of, and sensitive to, Kurdish political activity. Those of Kurdish ethnicity are thus regarded with even greater suspicion than hitherto and are reasonably likely to be subjected to heightened scrutiny on return to Iran.
- 'However, the mere fact of being a returnee of Kurdish ethnicity with or without a valid passport, and even if combined with illegal exit, does not create a risk of persecution or Article 3 ill-treatment.

‘Kurdish ethnicity is nevertheless a risk factor which, when combined with other factors, may create a real risk of persecution or Article 3 ill-treatment. Being a risk factor it means that Kurdish ethnicity is a factor of particular significance when assessing risk.’

For those who may have a “political profile”:

‘A period of residence in the KRI by a Kurdish returnee is reasonably likely to result in additional questioning by the authorities on return. However, this is a factor that will be highly fact-specific and the degree of interest that such residence will excite will depend, non-exhaustively, on matters such as the length of residence in the KRI, what the person concerned was doing there and why they left.

‘The Iranian authorities demonstrate what could be described as a ‘hair-trigger’ approach to those suspected of or perceived to be involved in Kurdish political activities or support for Kurdish rights. By ‘hair-trigger’ it means that the threshold for suspicion is low and the reaction of the authorities is reasonably likely to be extreme (paragraph 98).

2.4.7 The findings in [SSH and HR](#) remain valid as there are not very strong grounds supported by cogent evidence to merit a departure from this caselaw (see [Country Information](#). Entry and exit procedures and treatment of returnees who exited illegally).

2.4.8 Illegal exit is likely to only be a significant issue if the Iranian state has previously manifested an adverse interest in the person. In such cases the person would need to demonstrate the reasons why the authorities would have an adverse interest in them and these cases should be considered with reference to the relevant CPIN (see [Iran: Country Policy and Information Notes](#)). However, a person is unlikely to be at a real risk of serious harm or persecution, or a breach of Article 3, by their illegal exit alone.

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2.5 Protection

2.5.1 As the person’s fear is of persecution/serious harm by the state, they will not be able to avail themselves of the protection of the authorities.

2.5.2 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

2.6.1 As the person’s fear is of persecution/serious harm at the hands of the state, they will not be able to relocate to escape that risk.

2.6.2 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

2.7.1 Where a claim based solely on the person’s illegal exit from Iran is refused, it is likely to be certifiable as ‘clearly unfounded’ under section 94 of the

Nationality, Immigration and Asylum Act 2002. This is because any punishment of illegal exit would not generally amount to persecution.

- 2.7.2 However, if the person has attracted the adverse attention of the authorities for any other reason, then the claim is unlikely to be certifiable under section 94 of the 2002 Act as the majority of such claims will not be so clearly without substance that they are bound to fail.
- 2.7.3 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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Country information

3. Evidence considered in HB (Kurds)

- 3.1.1 For a list of the evidence considered in [HB \(Kurds\) Iran \(illegal exit: failed asylum seeker\) CG \[2018\] UKUT 430 \(IAC\) \(12 December 2018\)](#), see Annex B and D of the determination.

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Section 4 updated: 30 January 2019

4. Entry procedures

- 4.1.1 The Christian Science Monitor reported in 2010 that while Imam Khomeini International Airport in Tehran was fitted with cameras 'it is unknown whether they are equipped with facial recognition technology or the equipment to machine-read passports. Officers tap names and passport codes manually into their computers'. In addition, the article noted that airport authorities 'may also be alerted to Individuals of interest when their tracked cell phones enter the airport cell phone towers' coverage area'. It also stated that 'spotters keep watch for up to 200 suspects whose pictures they memorize'.¹
- 4.1.2 Biometric passports have been issued since February 2011² and the roll out of machine reading equipment was discussed by the Iranian police in 2016³.
- 4.1.3 In their February 2013 joint report, the Danish Immigration Service (DIS), Danish Refugee Council (DRC) and the Norwegian Landinfo service referred to information from the International Organisation for Migration's (IOM) Tehran office, who operated 'an Assisted Voluntary Return (AVR) programme world wide'. The report, citing the IOM, stated:
- 'Iranians who return with their passports will not face any problem at the airport when they return after a longer stay abroad. It was added that a long stay abroad in itself, is not an issue as long as a person has left the country legally ... Iranians who have left the country on their passports and are returned on a Laissez-passer [an emergency travel document] will be questioned by the Immigration Police at the airport. This questioning may take few hours, but according to IOM nobody has been arrested when travelling back on a Laissez-passer.'⁴
- 4.1.4 The joint report continued: 'When asked specifically to the situation of deportees, IOM stressed that they are only dealing with voluntary return and have no knowledge on the situation of deportees if any.'⁵
- 4.1.5 The Australian Department of Foreign Affairs and Trade (DFAT), in their 2018 report on Iran, stated: 'Millions of Iranians travel into ... Iran each year without difficulty, including the large Iranian diaspora residing in North America, Europe, Asia and the United Arab Emirates.'⁶

¹ CSM, 'How Iranian dissidents slip through Tehran's airport dragnet', 7 January 2010, [url](#)

² DFAT report, Iran, 7 June 2018 (p.50), [url](#)

³ ICAO, Regional Seminar, 9/11 May 2016, [url](#)

⁴ DIS, DRC and Landinfo, FFM report, February 2013 (pp.68-69), [url](#)

⁵ DIS, DRC and Landinfo, FFM report, February 2013 (p.69), [url](#)

⁶ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

5. Exit procedures

5.1 Requirement for exit permits

- 5.1.1 The US State Department (USSD)'s country report on Iran for 2017, published April 2018, stated:

'The government required exit permits for foreign travel for all citizens. Citizens who were educated at government expense or received scholarships had either to repay the scholarship or receive a temporary permit to exit the country. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields.

'Several journalists, academics, opposition politicians, human and women's rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year. Married women were not allowed to travel outside the country without prior permission from their husbands.'⁷

- 5.1.2 The 2018 Australian DFAT report, based on various sources, stated 'Millions of Iranians travel ... out of Iran each year without difficulty, including the large Iranian diaspora residing in North America, Europe, Asia and the United Arab Emirates. The government does not generally require citizens to possess an exit permit for foreign travel.'⁸
- 5.1.3 In their report, DFAT assessed that '... leaving Iran through irregular means is more likely to be achievable overland (particularly in rugged mountain areas) than via air or sea, including for registered and unregistered refugees. Under Iranian law, however, smuggling people into or out of Iran is a crime punishable by up to ten years' imprisonment. The law against people smuggling applies to all Iranian nationals, including those outside the country.'⁹

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5.2 Military Service

- 5.2.1 In a response dated October 2013, the Research Department of the Immigration and Refugee Board of Canada (IRBC) stated: 'Sources note that unless they are exempt, military service in Iran is mandatory for males aged 18 to 34, including dual citizens ... Young men of 17 years of age will be prevented from leaving Iran until they have completed their military service.'¹⁰
- 5.2.2 The 2013 joint Danish and Norwegian fact-finding mission report, citing Mr Hossein Abdy, Head of Passport and Visa Department, explained:

⁷ USSD, Country Reports on Human Rights Practices for 2017 - Iran, April 2018 (Section 2), [url](#)

⁸ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

⁹ DFAT report, Iran, 7 June 2018 (pp.48-49), [url](#)

¹⁰ IRBC, Iran entry and exit procedures', October 2013, [url](#)

‘Some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad.’¹¹

- 5.2.3 The 2013 joint Danish-Norwegian report, citing consular officers of the U.S. embassy in Ankara, stated:

‘After the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country before having completed his military service is able to deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.’¹²

- 5.2.4 The 2018 Australian DFAT report stated ‘... in some cases citizens do require special permission to obtain a passport [which includes] males of any age who have not completed their military service, who must present authorities with their military service exemption or the written permission of the Public Military Service Department. Once in possession of a passport, this group are free to leave the country without obtaining an exit permit to do so.’¹³

- 5.2.5 The 2018 Australian DFAT report also stated:

‘Iranian citizens residing abroad who are not under the obligation of military service can apply for the issuance of a multiple exit permit through the Ministry of Foreign Affairs. They are required to provide completed forms detailing their place of residence and requesting a multiple exit permit, evidence of the completion of, or exemption from, military service, the original and photocopies of their existing passport and photocopies of pages related to their previous travel to Iran, a photocopy of their residence permit, and two passport photographs.’¹⁴

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5.3 Travel Bans

- 5.3.1 The 2013 joint Danish and Norwegian fact-finding mission report, citing Mr Hossein Abdy, Head of Passport and Visa Department, explained ‘... persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed

¹¹ DIS, DRC and Landinfo, FFM report, February 2013 (pp.69-70), [url](#)

¹² DIS, DRC and Landinfo, FFM report, February 2013 (p.70), [url](#)

¹³ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

¹⁴ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case....¹⁵

5.3.2 The 2013 joint Danish and Norwegian fact-finding mission report, citing Mr Hossein Abdy, Head of Passport and Visa Department, also explained:

‘When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban.’¹⁶

5.3.3 In the same report, a ‘Western embassy’ interviewed by the fact-finding delegation stated that, in cases where a person left the country whilst out on bail, ‘it had read about political cases in which relatives in Iran are put under serious pressure from the authorities. Such persons could be forced to sign papers concerning the person that has left on bail, e.g. what he or she has done or said.’ Citing ‘two Iranian lawyers with criminal law experience’, the report also noted ‘that if a person departs the country while on bail, he or she may be tried in absentia. If he or she then returns and the legal procedure for confiscation of bail in the meantime is completed, he or she upon return should serve the remaining prison sentence. The sureties of the bail are not given back. It was added that if a person is tried in absentia, he or she has the right to appeal the case.’¹⁷

5.3.4 A Danish Immigration Service (DIS) and Danish Refugee Council (DRC) report of February 2018, consulting several sources, researched the issue of travel bans for those involved in criminal proceedings. The report read:

‘A travel ban will not be issued automatically after a sentence, as issuing a travel ban depends on the concrete case. A judge will not necessarily issue a travel ban in civil cases, and when it comes to criminal cases, the prosecutor has to argue for a travel ban, one source added.

‘Debts cases will trigger a travel ban. Other cases where a travel ban will be issued are cases related to national security as well as in political cases. A travel ban will also be issued if there is no access to the accused person and until the accused person contacts the relevant authority.

‘However, in serious criminal cases, where the judgement is ruled in absentia, a travel ban will be issued automatically.

‘A person who has been summoned can leave the country unless the judge has issued a travel ban.

‘There is a database at the Prosecutor’s office containing people enlisted on the travel ban list. The database is connected to the border authorities.

¹⁵ DIS, DRC and Landinfo, FFM report, February 2013 (pp.69-70), [url](#)

¹⁶ DIS, DRC and Landinfo, FFM report, February 2013 (pp.69-70), [url](#)

¹⁷ DIS, DRC and Landinfo, FFM report, February 2013 (pp.63-64), [url](#)

‘One source added that when judges issue travel bans, these are received by other authorities without delays/in “real time”. Furthermore, exiting the country legally when a travel ban has been issued is next to impossible. According to the source, the security at the border is very strict; additionally, the borders are highly controlled by the military. At the same time, it would be very costly to arrange an illegal departure, as it would require a high degree of complicity.

‘Exiting the country legally when released on bail depends on whether a travel ban has been issued or not, according to two sources. Director of the Judiciary for International Affairs informed the delegation that bail does not automatically lead to a travel ban. The judge will consider a travel ban if the prosecutor requests it. In contrast, Middle East Consultancy Services stated that if a person is imposed a bail, he/she would not be able to leave the country legally. An anonymous analyst noted that if a person who is out on bail leave the country, the person or his/her family will lose the surety provided.

‘An anonymous analyst mentioned that if a sentence has been given to a person who has left the country, the case will not be written off, but remains on the penal record of this person until the sentence has been implemented. After prosecution and indictment, the sentence must be enforced and there will be no statute of limitations or time bar. A Western embassy (1) noted that if a trial has not yet begun, when an accused person leaves the country, the case will not proceed/ be resumed if the accused returns to Iran. However, this depends on the concrete case.’¹⁸

5.3.5 The 2018 DFAT report also stated:

‘Authorities routinely impose travel bans on citizens. Reasons for a travel ban can include security concerns, financial debts, outstanding taxes, crimes committed abroad, and outstanding sentences awaiting enforcement. Civil and political activists are particularly likely to face travel bans. In some cases, individuals must obtain the permission of others to leave the country: the husbands of married women and fathers of unmarried women and underage children can request travel bans against their dependents. MOIS and the IRGC have the power to impose travel bans without recourse to the judiciary. Iranians under travel bans are often unaware of their status until they reach passport control at the airport and are prohibited from leaving the country. The presence of security organisations in all Iranian airports, particularly those with border checkpoints, enables authorities to determine whether or not any Iranian citizen can leave the country by air.’¹⁹

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5.4 Political opponents

5.4.1 The 2013 joint Danish and Norwegian fact-finding mission report, citing Mr Hossein Abdy, Head of Passport and Visa Department, explained ‘Persons who have been politically active are not subject to any exit ban.’²⁰

¹⁸ DIS/DRC, FFM report, February 2018 (pp. 8-9), [url](#)

¹⁹ DFAT report, Iran, 7 June 2018 (p.47), [url](#)

²⁰ DIS, DRC and Landinfo, FFM report, February 2013 (pp.69-70), [url](#)

- 5.4.2 The 2013 joint Danish-Norwegian report, citing consular officers of the U.S. embassy in Ankara, stated ‘... that by pulling passports, the authorities are able to put pressure on political types such as artists, directors, journalists and are thereby giving them no option to leave. This is as a way of keeping them compliant.’²¹
- 5.4.3 Amnesty International's International Secretariat (AIS) told the Danish-Norwegian delegation in their 2012/13 fact-finding mission that they ‘had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.’²²
- 5.4.4 On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy told the 2012/13 Danish-Norwegian fact-finding delegation that ‘there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.’²³

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5.5 Other restrictions

- 5.5.1 The 2018 Australian DFAT report stated ‘Those whose skills are in particular demand (such as staff at the Iranian Atomic Energy Organisation) and/ or who were educated at government expense are reportedly required to post bond to obtain an exit permit.’²⁴

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5.6 Procedures for women

- 5.6.1 In an article dated February 2014, AI Monitor reported: ‘Married Iranian women, even if they hold a valid passport, require their husband’s permission to depart the country, regardless of age. For obtaining or renewing a passport, a notarized permit from the spouse is required. Husbands can easily refrain from allowing their wives to obtain or renew their passport.’²⁵
- 5.6.2 The joint Danish-Norwegian 2013 fact-finding report, citing Hossein Abdy, Head of Passport and Visa Department, stated:
‘The purpose of the law is to protect the family as an entity ... the consent given by the husband is valid for five years, i.e. the length of time that the passport is valid. When asked if such a consent given by the husband can be annulled, it was further explained that a husband that has an outstanding issue with his wife has the option of going to the courts in order to get the consent annulled. However, if the husband is living outside of Iran, he cannot get his consent annulled.’²⁶

²¹ DIS, DRC and Landinfo, FFM report, February 2013 (p.70), [url](#)

²² DIS, DRC and Landinfo, FFM report, February 2013 (p.70), [url](#)

²³ DIS, DRC and Landinfo, FFM report, February 2013 (p.70), [url](#)

²⁴ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

²⁵ AI-Monitor, ‘Iranian women fight efforts to restrict travel abroad’, 2 February 2014, [url](#)

²⁶ DIS, DRC and Landinfo, FFM report, February 2013 (p.71), [url](#)

5.6.3 The Danish-Norwegian fact-finding report also stated:

‘Regarding the permission a woman has to have from her husband in order to travel, a well-educated Iranian woman with links to international communities explained that her husband would sign a form before a notary public. The husband would consent to either a single exit or unlimited exits by ticking either the ‘one time only’ box or the box ‘permanently’. But even if consent was given ‘permanently’, it would only take a phone call to the Airport Security or a letter to prevent the wife from exiting Iran. The husband could call any level of Airport Security, be directed to the right person, revoke the consent and prevent his wife from leaving. He would be asked to send in a handwritten statement as well as a copy of his identification card (Kart e-Melli). This could be arranged from the time the wife left the house to before she had arrived to the airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave.’²⁷

5.6.4 The same report cited a ‘well-educated Iranian woman with links to international communities’ who

‘...stated that if a woman leaves Iran with her children without the consent of their father, this is considered a criminal and a civil offence. Even if the mother has custody of the children, the consent from the father is necessary in order to take the children out of Iran. If the woman returns to Iran, she would most likely be given a fine for the illegal exit. Illegal exit would not lead to jail. She could also face a civil case in a family court as a result of taking the children out of the country without the father’s consent, but the result here would also not be a prison sentence. The source mentioned that courts differ depending on geography and the financial situation of the parties involved, but even outside Teheran she did not think that a prison sentence would be the result. She had not heard of prison sentence given to a mother after she had returned with her children, however, the source added that she would not rule out that this could happen if the father was rich or powerful enough and angry enough even after his children were returned to him.’²⁸

5.6.5 In September 2015, the Guardian newspaper reported:

‘The captain of an Iranian women’s football team is to miss a forthcoming Asian championships because her husband would not allow her to renew her passport. In a case highlighting Iran’s discriminatory law that requires married women to have permission from their husband before travelling abroad, Niloufar Ardalan, 30, will not be able to join teammates for the AFC Women’s Futsal Championship, an important showcase event in her 19-year career as a footballer.’²⁹

5.6.6 Justice for Iran noted in their reports from 2014 that there are: ‘bans on the entry of women with improper hijab into public spaces such as parks, [...] airports and terminals, [...] and denial of boarding permission to women with improper hijab at the whim of airport security forces.’³⁰

²⁷ DIS, DRC and Landinfo, FFM report, February 2013 (p.71), [url](#)

²⁸ DIS, DRC and Landinfo, FFM report, February 2013 (pp.71-72), [url](#)

²⁹ Guardian, ‘Husband Bars Iranian Footballer from Asian Championships’, 16 September 2015, [url](#)

³⁰ Justice for Iran, ‘Disciplining Bodies...’, October-November 2014 (p.3), [url](#)

- 5.6.7 The 2018 Australian DFAT report noted that, ‘in some cases citizens do require special permission to obtain a passport [which included] married women, who require their husband’s permission. Once in possession of a passport, this group are free to leave the country without obtaining an exit permit to do so.’³¹
- 5.6.8 Also see the [Austrian Centre for Country of Origin & Asylum Research and Documentation \(ACCORD\)’s COI compilation on Iran, July 2018](#) (section 6.5.1 – Treatment of women – Freedom of movement)³².

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Section 6 updated: 30 January 2019

6. Treatment of returnees who exited illegally

- 6.1.1 The Danish-Norwegian February 2013 joint report, citing Hossein Abdy, Head of Passport and Visa Department, stated that ‘the Iranian constitution allows for Iranians to live where they wish. It is not a criminal offense in Iran for any Iranian to ask for asylum in another country. He further stated that approximately 60% of Iranians who have asylum in other countries, travel back and forth between Iran and other countries.’³³
- 6.1.2 The DFAT report similarly noted:
‘According to international observers, Iranian authorities pay little attention to failed asylum seekers on their return to Iran. Iranians have left the country in large numbers since the 1979 revolution, and authorities accept that many will seek to live and work overseas for economic reasons. International observers report that Iranian authorities have little interest in prosecuting failed asylum seekers for activities conducted outside Iran, including in relation to protection claims. This includes posting social media comments critical of the government – heavy internet filtering means most Iranians will never see them – converting to Christianity, or engaging in LGBTI activities. In such cases the risk profile for the individual will be the same as for any other person in Iran within that category. Those with an existing high profile may face a higher risk of coming to official attention on return to Iran, particularly political activists.’³⁴
- 6.1.3 Dr Kakhki, a special adviser to the Centre for Criminal Law and Justice and Associate of the Centre for Iranian Studies at Durham University, stated the following in ‘General report on risk of return’ dated 5 December 2014:
‘According to a new amendment of Article 34 of Passport Law (21/2/2010), any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 500,000 and 3 million Tomans (approx £108- £650). The assigned punishment in this article is called a “Taaziri” punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the “Taaziri”

³¹ DFAT report, Iran, 7 June 2018 (p.48), [url](#)

³² ACCORD, COI Compilation: Iran, July 2018 (section 6.5.1), [url](#)

³³ DIS, DRC and Landinfo, FFM report, February 2013 (p.69), [url](#)

³⁴ DFAT report, Iran, 7 June 2018 (p 49), [url](#)

punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime.’³⁵

6.1.4 The 2018 DFAT report stated:

‘According to Article 34 of the Penal Code, the penalty for leaving the country without a valid passport (or similar travel document) is between one and three years’ imprisonment, or a fine of between 100,000 and 500,000 rials (AUD4-20). A special court located in Tehran’s Mehrabad Airport deals with [cases of people leaving the country without a valid passport or similar travel document] ... The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups, and any other circumstances. This procedure also applies to people who are deported back to Iran and who are not in possession of a passport containing an exit visa. DFAT understands that illegal departure is often prosecuted in conjunction with other unrelated offences.’³⁶

6.1.1 A Danish Refugee Council (DRC) and Danish Immigration Service (DIS) FFM report of September 2013 consulted UNHCR Erbil, who informed the delegation that:

‘...he will be taken to the intelligence department and he will go through few interrogations. The person will then be taken to the revolutionary court where his political affiliation in Iraq will be determined. He will here be given a chance to sign a statement by which he promises that he will not be involved in political activities any more. If the court presents solid evidence against the person which shows that he has been involved in military operation and armed struggle, he will be punished but the punishment differs from case to case. In most cases, the punishment will be imprisonment. In the next step, the person will be taken to the public court for his illegal departure, and he will be fined for his illegal exit. UNHCR Erbil added, however, that the Iranian authorities may suspect Kurds who have stayed in KRI for a while of having been in contact with the exiled political parties.’³⁷

6.1.1 The FFM report added: ‘Asked about the situation for returnees, a Western diplomat and expert on Iran had never heard of any Iranian with political affiliations who went back to Iran. The source assumed that as long as a returnee has not been member of an oppositional political party or involved in political activities in other ways, she or he would not face problems upon return to Iran.’³⁸

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6.2 Kurdish returns

6.2.1 A Danish Refugee Council (DRC) and Danish Immigration Service (DIS) FFM report of September 2013 consulted UNHCR Erbil, who informed the delegation that ‘The Iranian Kurds know the illegal paths across the border. If

³⁵ Kakhki, General report on risk of return, 5 December 2014. Hard copy available on request.

³⁶ DFAT report, Iran, 7 June 2018 (pp.50-51), [url](#)

³⁷ Danish FFM report, September 2013 (p.68), [url](#)

³⁸ Danish FFM report, September 2013 (p.68), [url](#)

a Kurd who has left Iran illegally goes back, the consequences of his illegal exit will not be severe: If he was gone for less than six months, he would most likely be punished by a fine amounting to 80 USD and if he is gone for more than six months the fine will be 120 USD. A person who goes back to Iran will be interrogated and then released unless there is evidence found against him.’³⁹

6.2.2 The same report addresses the conditions for people who return to Iran from the KRI, and cites Reza Menuchehri of the Kurdish Human Rights Committee in Europe (KMMK) as seeing a division of three groups of people going back:

‘The first group consists of people who decide to go back to Iran because they may have lost their political motivations and their hope for political change or because their families in Iran may be under pressure by the authorities. The return of such persons is not necessarily coordinated with the authorities in Iran. They go back and surrender themselves to the regime even though they have participated in political activities and the regime may have obtained compromising information on them. They regret their past political activities and promise to the authorities that they will not engage in any political activities any more. These people will be considered a threat by the regime, maybe because they have run a campaign against the Iranian regime in KRI or because they have participated in a demonstration against the regime. Persons from this group are required to frequently report their whereabouts to the authorities in the first one month to two years after their return. The investigation about these people will be intense, and the authorities may even tell the person not to leave his or her own city or village during the investigation. During the investigation, the authorities will ask the person about his positions and titles in the party which the person has been active in. If he says that he has been a peshmarga, they will interrogate him in accordance with detailed maps and ask him to point to places relevant to his explanation. If the returnee says that as a peshmarga he guarded a specific place in KRI, the intelligence service may know whether or not there is a guard at that particular spot. The source added that since the Iranian intelligence has detailed information on members of oppositional political parties in KRI, the chances of lying one’s way through the process are small. The source added that there are very few cases of members of oppositional groups who have resisted the torture under the investigation and have not confessed. People from this group may receive punishment depending on what they have done. The source said that this group consists of a low number of people.

‘The second group consists of people who due to their poor living condition in KRI decide to go back to Iran. In Iran, they confess and regret their past political activities and promise to the authorities that they will not engage in any political activities any more. Previously, this group were often seen among the returnees, but nowadays, there are not so many of them as before. When this group goes back to Iran, the government tends to receive them at the border and bring them home. These families may due to their poor economic conditions have to cooperate with the regime and give the

³⁹ Danish FFM report, September 2013 (p.68), [url](#)

authorities information on activities of the oppositional parties in KRI or on relatives who are politically active. Families that choose to cooperate with the government could, according to Reza Menuchehri (KMMK), be dangerous since they will sometimes exaggerate and fabricate stories to please the Iranian government. They may be asked to go back to KRI in order to infiltrate political parties and organisations and gather new information for the regime and to encourage other refugees in KRI to do the same as them. People from this group do not receive a high financial support from the government for their cooperation.

'The third group consists of people who go back to Iran and surrender themselves to the regime and promise not to do any activities against the regime. What makes these people different from the second group is that these are people with a good financial situation and for that reason, they do not need to cooperate with the regime. The source added that returnees in the second and the third group have in common that the regime does not have compromising information on them. If the investigation shows that people from these two groups have conducted activities which the regime considers a problem punishment may be inflicted.

'Despite the distinction between the three above-mentioned groups of returnees, Reza Menuchehri (KMMK) emphasized that people in all these groups will face pressure upon return to Iran. As examples, the source mentioned that none of the returnees could be expected to have access to employment in public offices, that the officials may visit them at their homes which will be devastating to their status in society, that they all will be investigated thoroughly about their time in KRI, that they will be monitored for some time (from five months up to two years) by the authorities, and that they will always be under suspicion.

'About the investigation of the returnees, Reza Menuchehri (KMMK) explained that when a person returns to Iran, he or she will be given a blank sheet of paper by the regime and told to provide details on the returnee's stay in KRI. For instance, the regime will ask with whom he has been working, for how many years and how this work was carried out and why. If the statement given seems vague and unclear in any way, there will be further questioning. Reza Menuchehri (KMMK) mentioned that when Iranians from KRI who are not involved in activities visit Iran, the government will sometimes arrest one or two of them just to signal that the authorities are capable of monitoring people's activities in KRI. In this way, they install fear among the people and demonstrate their power.'⁴⁰

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⁴⁰ Danish FFM report, September 2013 (pp.68-70), [url](#)

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Terms of reference

The following topics were identified prior to drafting as relevant to note; research was undertaken to obtain information on these topics where available:

- Entry and exit procedures
 - Entry procedures
 - Exit procedures
 - Procedures for women
- Treatment of returnees who exited illegally

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Version control

Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **21 February 2019**

Changes from last version of this note

Updated country information including evidence considered in HB (Kurds).

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