

# Population Politics in Iran towards Afghan Refugees: Migration Management and Human Rights

## **Abstract**

The presence of refugees in Iran raises many issues and Iran has had troubles adjusting its national policies to the situation. The main argument and the goal of this paper are to analyze how Iran can turn a state of human emergency into a migration management ensuring the return of these refugees. After giving a brief survey of the Afghan population living in Iran and the first population politics adopted by the Islamic Republic of Iran, the paper addresses international and Iranian legal issues. Iranian law does take into refugees account but the Iranian policy entails difficult political choices: indeed the open door policy has come to an end and the new population politic regarding Afghan refugees is rather aimed at controlling the migration movement than accommodating this population. Because of an economic crisis, the Iranian government decided to go from a crisis management to a migration management. The main issue is how to handle successfully the return of refugees and turn the current situation into a successful state crisis management. A voluntary repatriation program has been set up by Iran, Afghanistan and the UNHCR. There are however many obstacles on the path of enforcement of this new Iranian population politics, supported by the United Nations.

Iran hosts the largest Afghan refugee population in the world. Afghans have indeed been streaming into Iran for decades, fleeing war, drought, extremist leaders, and economic crisis.

Iran has practiced an open door policy towards refugees; however the economic crisis has put an end to this attitude and Iran has adopted a new population politics towards refugees in general, Afghans in particular.

The Iranian policy towards refugees has shifted from a crisis management with the establishment of camps and UN programs to the will to repatriate these refugees. This paper will analyze how Iran has initiated a new population politics, turning a state of human emergency into a migration management ensuring the return of these refugees. Data for this project paper were collected in Iran during field works carried on since 1998 during interviews with refugees, Iranian officials and non governmental and United Nations workers.

## **Population Politics: Accommodation of Afghan Refugees**

Afghan began arriving in Iran in 1979. As soon as 1984, the Iranian government developed specific policies regarding Afghan refugees. To regulate the flow, the government opened several camps near the border and tried to shelter and feed the refugees. Many Afghan men left the camps for the cities to find work and left their family in the camps. At first, the

police would catch them and bring them back to the camps. Soon the Iranian government understood the economic interest of having Afghan refugees doing the lowest social jobs and refugees were free to move.

There was another wave of refugees when the civil war broke out in Afghanistan, in 1992. As these new refugees were not fleeing religious persecutions, the Iranian government classified them as mere refugees and was less tolerant of them than of the previous refugees (Abbasi 2005).

Most refugees who reach Iran are in a terrible physical state because of the drought, starvation, the long and dangerous trip as well as war. They suffer from all kind of diseases, most of which had disappeared in Iran; therefore the government had to adopt specific policies as to provide health cares to Afghan refugees and as to prevent any further contamination.

### **International and Iranian legal issues**

The politics of open doors have reached its limits and today refugees are victims of discriminations. The successive governments have indeed initiated a new population politics, resulting of a growing intolerance of the Afghan migration.

Iran has ratified the 1951 UN Refugee Convention and its 1967 Protocol with reservations. In 1963, the government of Iran adopted an ordinance providing legal and administrative frameworks to grant asylum to refugee; this ordinance is still in use today. It guarantees refugees rights such as the right to registration, access to healthcare and access to education.

### ***Iran's others: Refugees***

Even if Iran practiced for a long time a policy of open doors, refugees always had a hard time living in Iran. Refugees are ill perceived by the Iranian society who sees them as a burden that brings many social illnesses (Strand, Shurke, Harpviken). There is a feeling that refugees have the jobs Iranians should be having at a time of economic crisis. However refugees do the lowest jobs. The truth is that the economy largely depends on them. Some even wonder if the new repatriation policy will not provoke as severe economic crisis.

### ***Registration of refugees***

The refugee status used to be granted to incoming Afghans on a *prima facie* basis. Indeed, the first Afghan refugees entering Iran were called *mohajerin* or “involuntary religious migrant” (Turton and Marsden). The Islamic principle of *hijrat* asserts that Muslims fleeing their own country on the grounds that they are unable to properly practice their faith deserve the status of *mohajerin*. It was the case for Afghans fleeing communism at a time of *jihad* (Rajaei). These refugees were issued with “blue cards” indicating their status as *mohajerin*, granting them indefinite permission to stay in Iran legally. Blue card holders had access to health cares, food and free education; but they could not own their own businesses (Rajaei). All these social advantages ended in 1995. Some blue cards were even removed as to deportate the holders, especially when the Afghans were living with undocumented relatives (USCRI 1999).

There are also some Afghans holding white refugee documents. These documents were mostly issued in the pre-revolutionary period. The white card provides greater rights and benefits than the blue cards, such as exemption from taxes, the right to work, and to obtain travel documents, but it also requires its holders to renew their status every three months and to report movement and residence to the authorities (USCRI 1999).

After the civil war broke out, Afghans entering the territory were not considered as *mohajerin* but as mere refugees, *panahandegan*. Indeed, the new war was occurring between local factional parties and Afghans were not victims of religious intolerance anymore. After 1993, the Iranian government started issuing temporary registration cards to undocumented or recently arriving Afghan refugees as to register them for repatriation (Abbasi 2005).

There is another category: transitory labor migrants. They cross the border often and the family stays in Afghanistan. They are the *Karegar-e Fasli* (seasonal workers) (USCRI 2004)

### ***New Population Politic***

Recently and contrary to UNHCR Excom Conclusion No 91, the authorities stopped registering new Afghan immigrants as refugees.<sup>1</sup> Instead Afghan migrants are labeled “economic refugees” (Human Rights Watch, Report 2002): therefore they cannot be eligible for any economic assistance from the government. Some documented refugees have an *averagan* (vagrant) cards, rather than refugee status, and there are many with no documents at all. These people living undocumented, in hiding, fearing to be caught by the police and to

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<sup>1</sup> ExCom Conclusion No. 91, Registration of Refugees and Asylum-seekers, 2001 specifically requests States "to take all necessary measures to register and document refugees and asylum seekers on their territory as quickly as possible." This request is made after ExCom "acknowledges the importance of registration as a tool of protection, including protection against refoulement."

send back to Afghanistan. They have no access to medical cares (USCRI 1999). Most undocumented refugees found by the police and even some documented refugees are deported on a regular basis (USCRI 2006). Iran is therefore not respecting the obligations contracted under the Refugee Convention.

Concurrently, the Iranian government took various legal measures as incentives for refugees to leave Iran. Laws are indeed constantly enacted as to restrict illegal and legal immigrants' activities in Iran. In April 2000, a copy of the Article 48 of the government's five-year development plan instructed the Interior Ministry to expel all foreigners without work permits whose lives would not be threatened upon return to their country of origin (UNHCR 2001). The Iranian Bureau of Aliens and Foreign Immigrants (BAFIA) supervises this process.

On 22 June 2001, the Ministry of Labor and Social Affairs made employers of foreign illegal workers subject to heavy fines and imprisonment. Refugees were severely affected and many have gone back to the camps to survive, which was the aim of the Iranian administration.

Measures were also taken under Article 138 of the Constitution in 2003 and in 2004: in 2004, UNHCR cut all educational assistance to the Afghans as the Iranian government promised to pay for the schooling these children; but the policy applied was different and now children of legal immigrants have to pay to attend schools.

Iranian officials take all the legal measures necessary as to motivate a return to Afghanistan. All support programs are cut down. The aim is to make it less attractive for them to extend their stay in Iran (IRIN, Special refugees).

### ***Legal Discriminations***

Legal discriminations are however not new. For example, the civil code has always prohibited marriages between Iranians and foreigners. It became even more complex when in 1990 a law was voted as make illegal for an Iranian woman to marry an Afghan man. Such marriages however still take place, even though the one performing the marriage ceremony is subject to criminal charges (Bad Jens 2001). If the marriages were recognized, the Iranian women would lose their Iranian citizenship. No legal mechanism exists on the Afghan side of the border for formal recognition of such marriages. Children born from these unions are not acknowledged by the Iranian or Afghan state. As they do not exist, they are not even allowed to register with UNHCR and therefore cannot leave Iran for another country or benefit from the repatriation program (Dabrowska). The couples who married before 1990 are in a state of

insecurity, because there are no clear laws regarding them or their children. It's currently up to the judges' discretion.

### **From a Crisis Management to a Migration Management**

Since the 1980s onwards, voluntary repatriation has been promoted by governments. By initiating a new population politic, the Iranian government tries to handle successfully the return of refugees and turn the current situation into a successful state crisis management.

#### ***Before 2002***

At the beginning of the 90's, Iran had some domestic economic and social concerns that had an impact on the refugee policy: the policy shifted from accommodation to emphasize on prevention and repatriation (Rajaei). The first repatriation program was formalized in 1992. Since then the Iranian authorities have tried to confine refugees in camps as to ease the repatriation process.

#### ***The Tripartite Agreement for Afghan refugees***

A tripartite agreement was signed in April 2002 between Iran, Afghanistan and UNHCR in order to facilitate the *voluntary* repatriation, based on financial incentives, of Afghan refugees from Iran. The end of the war in Afghanistan and the arrival of humanitarian help were some of the reasons why Iran has encouraged the return of refugees.

The extension of the agreement, known as the Joint Program is renewed every year. The agreement underlines the voluntary nature of the repatriation operation and also ensures the provision of basic support and assistance during the process including transportation, medical facilities and customs procedures (IRIN June 2005).

#### ***Repatriation has begun***

Illegal Afghan people were the first ones to be repatriated from Iran. There is a screening process conducted by the UNHCR as to veto deportations of illegal migrants who would be persecuted upon return. Therefore all deportees are entitled to an interview with UNHCR. It is also essential that UNHCR checks that the deportees presented to this screening process are not refugees. According to a former agreement with the Iranian government, UNHCR does not have access to Afghans whose deportation was ordered by a court of law.

The Iranian authorities conducted several registration processes for the Afghan population. There were several registration processes. BAFIA then turned the refugee cards of legal refugees into exit papers. A fee is charged to every refugee. UNHCR is in negotiations with BAFIA to waive this exit fee.

BAFIA is in charge of selecting and electing who is accepted for return. UNHCR controls the return process in the field. The main idea is to avoid the “revolving door scenario”, Afghans who slip back into Iran to re-enter the repatriation process in order to receive benefits for a second time (IRIN Special Refugees).

There are 11 voluntary repatriation centers (VRCs) located throughout Iran. There, volunteers to repatriation are provided with an assistance package, including a small monetary grant to facilitate their return. UNHCR and the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) are assisting Afghan refugees with voluntary repatriation (Romano). Tehran is currently studying a plan to strengthen and expedite the process of voluntary repatriation of Afghan refugees.

There is always a confidential interview with a UNHCR representative to check that the decision to return is really a voluntary one. Refugees are also informed of their rights under the repatriation program and are given an overview of the situation in Afghanistan. They are given training in mine-awareness (IRIN, special refugees).

### ***Obstacles***

Many refugees are terrified to go “home”: the situation seems too precarious for them and for some, it isn’t home anymore. Besides, it is difficult for them to go back as they are excluded from the Afghan society and often end up living at the margins of this society (Human Rights Watch, Report 2002). They would rather stay in Iran, living in camps or cities.

Among those who are not eager to go home are Afghan women: Many Afghani women living in Iran have benefited from the new social setting: they have new lives and they have taken advantage of the destabilized power relations within the family (Bad Jens): Men's domination has been questioned. Therefore, Afghani women often dread the return to their home country.

### ***Security Issues***

Human Rights Watch reminded the actors of the repatriation program that the security of the returning refugees to Afghanistan is not guaranteed (HRW, February 2002). Indeed, Afghan refugees meet some problems at the borders during the repatriation process. At one point, the repatriation program had to be suspended because of violence at Afghanistan's border with Iran: 40,000 refugees were held by poppy farmers protesting against the government decisions to stop the cultivation of the drug. There has also been factional fighting stopping the convoys. Then when they go home, Afghan refugees have to face factional fighting, mines and drug lords.

### **Is this a Sustainable Repatriation Program?**

Many now discuss this population politics based on repatriation. Indeed Afghan refugees are going back to war-torn countries affected by major economic crisis and insecurity. There is no proper job market for refugees who most of them are unqualified or trained in areas that are not major for their countries, except for teachers. There are very little housing opportunities. The reintegration process is not easy and therefore it is legitimate to wonder why these refugees are "forced to leave a country" they have lived in for decades to move to countries that clearly are not ready yet to welcome them.

A UNHCR report also underlines that a poor repatriation planning can lead to internal displacement and instability (Petrin). Indeed except very few success stories, most of the repatriated do not reach their final destination because of the aforementioned reasons and become internally displaced people (IDP). Some of them decided to re-cross the border as to go back to Iran. What is therefore the point of turning refugees into internally displaced people? Is the repatriation process "taking refugee for a ride" (Turton and Marsden)? Besides, when economic incentives are strong, refugees will cross back the border, which is the case of Afghan refugees coming back to Iran.

## **CONCLUSION**

The reality is that returnees often face huge issues when they go back "home" to a place they do not belong anymore: the country has changed and is often in a worse situation than the ones the refugees just left (Chimni, 1999). The government of origin is often not in a

position to welcome and reintegrate returnees as it has to deal with many issues at the same time. Besides, there are many human rights challenges in Afghanistan such as education of women's rights that are not solved and it is difficult for returnees to adapt to these new challenges.

The repatriation program looks like a transfer of the "refugee problem" from one side of the border to the other with no consideration for the peoples. A backflow is ensuing as Afghans would rather live in Iran.

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