Immigration and Refugee Board of Canada

Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](http://www.refworld.org) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca.

IRN105089.E

Iran: Treatment by Iranian authorities of failed refugee claimants and family members of persons who have left Iran and claimed refugee status (2011-February 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Treatment of Failed Refugee Claimants by Iranian Authorities

Specific information on the treatment of failed refugee claimants upon their return by authorities in Iran was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

A 2014 article by the International Campaign for Human Rights in Iran (ICHRI) [1] reports that in July 2013, Iran's Prosecutor General and Spokesperson for the Iranian Judiciary Gholamhossein Mohseni Ejehi said that everyone is allowed to return to Iran ... [but] "[i]f 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." (ICHRI 29 Jan. 2014)

In a February 2014 article, the Iran Times, an independent newspaper based out of Washington, DC that reports news from international agencies as well as Iranian, American, European, Arabic and Russian periodicals (n.d.), reported Deputy Foreign Minister for Consular, Parliamentary and Expatriates Affairs Hassan Qashqavi as stating that the Iranian government was creating a list of "wanted" individuals living abroad who would be "arrested for crimes upon their arrival at Iranian airports," and further that the government would disclose to an individual if they are on the list or are "free to visit" (Iran Times 21 Feb. 2014). The ICHRI reported that a few weeks prior to this, Qashqavi stated that unless an individual has a judicial case pending, all Iranians are "free" to travel back and forth to Iran" and provided an email address where Iranian individuals could write to inquire about their travel permission status from the Foreign Ministry (ICHRI 29 Jan. 2014).

A joint report by the Danish Refugee Council (DRC), the Norwegian LANDINFO and the Danish Immigration Service [2] of a 2012-2013 fact-finding mission in Iran quotes the Tehran branch of the International Organization for Migration (IOM) as stating that "Iranians who return with their passports will not face any problem ... a long stay abroad in itself, is not an issue as long as a person has left the country legally" (DRC et al. Feb. 2013, 69). The IOM also told the fact-finding mission that "Iranians who have left the country on their passports and are returned on a Laissez-passer [travel document] will be questioned by the Immigration Police at the airport" for a few hours (ibid.). However, this source claims that no one has been arrested when travelling back on a Laissez-passer (ibid.) [3]. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.
In an interview with the DRC, LANDINFO and the Danish Immigration Service during their 2012-2013 fact-finding mission, the Head of the Passport and Visa Department of Iran 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" (DRC et al. Feb. 2013, 69).

In contrast, according to a 2011 article by Iran Human Rights (IHR), a non-profit human rights organization based in Norway that monitors human rights issues in Iran, including the use of the death penalty and the rights of minorities, women, children and human rights defenders (IHR n.d.), "Iranian authorities have recently signal[ed] that Iranians who have sought asylum abroad should be charged for 'dissemination of false propaganda against the Islamic Republic of Iran' and [should] be punished for that" (ibid. 23 Mar. 2011). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Several European countries reported that they forcibly returned failed asylum seekers to Iran in 2013, including Bulgaria, Germany, Norway, Poland, Romania, Sweden, and the United Kingdom (EU 20 May 2014, 1-7). The Netherlands, however, noted that Iranian authorities are unwilling to provide laissez-passers to forced returnees from the Netherlands (EU 20 May 2014, 4). Sources indicate that Iran does not accept forcibly returned asylum seekers from Australia (The Sydney Morning Herald 2 July 2013; The West Australian 31 Oct. 2013; The Guardian 7 Jan. 2015).

A 2010 report by the Australian Refugee Review Tribunal states 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" (Australia 19 Aug. 2010, 1).

A 2013 country of origin information report on Iran published by the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) quotes the Swiss Refugee Council (SRC) as stating in a 2011 report that the Iranian authorities' practice of dealing with returned asylum-seekers is "'arbitrary' and 'unpredictable'" (ACCORD Sept. 2013, 141). According to an Iranian judge cited in the SRC report, "rejected asylum-seekers returning to Iran are questioned, regardless [of] whether they were politically active in Iran or abroad," and that they are "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" (ibid.). For cases in which the individual was politically active, the SRC report continues, "whether in Iran or abroad, he or she will be prosecuted and punished" (ibid.).

In a 2013 article on exiled Iranian dissidents considering a return to Iran, Reuters reports that a journalist who returned to Iran in August 2013, after having left following the 2009 presidential election of Hassan Rouhani, continued to face charges for his criticism of Iranian officials and interviews with foreign media (Reuters 10 Oct. 2013). The article notes that since his return, the journalist has been denied permission to work, banned from travelling outside of Iran, and called in twice for questioning (ibid.). The article also reports that a former reporter in Iran, who left Iran before the 2009 elections to study abroad and subsequently remained outside the country, had contacted a "judiciary official and parliament member, who both advised her she could be prosecuted if she returned" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that the Iranian judiciary falls under the authority of Supreme Leader Ayatollah Ali Khamenei (Ghaemi n.d.; Reuters 10 Oct. 2013). According to the 2013 Reuters article, while the Rouhani government "has pledged to relax restrictions at home," since the judiciary is answerable to Khamenei rather than Rouhani, there is "no guarantee government critics will be safe if they return" as the judiciary can "question those returning and pursue charges" (ibid.). Al-Monitor similarly reports that in response to the call by President Rouhani to form a special committee on the "return of individuals who left Iran after the 2009 election protests," the judiciary "publicly responded that anyone who committed a crime would be pursued upon returning" (Al-Monitor 12 Nov. 2013).

For further information on the treatment of anti-government activists by authorities upon their return to Iran, including the internet monitoring capabilities of Iranian authorities, see Response to Information Request IRN104730.

2. Return and Resettlement Resources Available for Returning Iranians

According to the 2013 joint fact-finding report, the Tehran branch of the IOM indicated that they operate a worldwide Assisted Voluntary Return (AVR) program that assists "less than 100 people per year" (DRC et al. Feb. 2013, 68). According to information on the IOM website, activities undertaken by the IOM with regard to Iran include "facilitating voluntary return and reintegration from and to Iran" (IOM n.d.). Additional information on the features of this program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.
In 2014, the ICHR reported Qashqavi as stating that Iran had established a "secretariat for the Committee for the Return of Expat Iranians, inside Iran's Intelligence Ministry" to "facilitate the return of political activists outside Iran to their home country" (ICHRI 29 Jan. 2014). Additional information about the committee could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

IranWire, a "joint venture of a group of Iranian journalists in the Diaspora" which "seeks to empower Iranian citizen journalists by creating a forum in which young Iranians can discuss national and local news" (IranWire n.d.), reports that the initiative has been met with resistance from "hardliners", stating that [d]uring Ahmadinejad's time in office, efforts at repatriation were aimed at non-political Iranians ... currently ... the Rouhani administration's efforts are associated with the return of political activists. For hardliners, this is unacceptable ... a "red line" that will not be crossed ... the information minister has agreed that "those who have left the country can return, but if they have broken the law, the judiciary will prosecute". (IranWire 29 Jan. 2014)

3. Treatment of Family Members of Refugee Claimants by Authorities

Specific information about the treatment of family members of individuals who have claimed refugee status abroad by authorities in Iran could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that family members of Iranians who left Iran and live abroad have been subjected to the following treatment by authorities in Iran:

- Harassment (Al-Monitor 29 Jan. 2013; BBC 13 June 2013);
- Threats (ibid.; DRC et al. Feb. 2013, 52); and
- Arrest (UN 28 Feb. 2013, para. 54; The Guardian 28 June 2012).

In his 2013 report to the United Nations Human Rights Council, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran states that an interviewee, who was part of the Arab community in Iran, reported that three family members--a cousin, nephew and brother--were arrested by authorities in June 2012 in order to coerce their children, who were living abroad at the time, to return to the country (UN 28 Feb. 2013, para. 54). The same source indicates that the family members were "reportedly subjected to psychological and physical torture" and remained in prison (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that in 2012, the father of an Iranian student studying in the Netherlands had been arrested because of satirical posts his son posted on Facebook (Freedom House 3 Oct. 2013, 395; The Guardian 28 June 2012; RFE/RL 28 June 2012). Radio Free Europe/Radio Liberty (RFE/RL) describes the student as an "asylum seeker in Holland" (ibid.).

Prior to the 2013 elections in Iran, the BBC reported that family members of their BBC Persian staff had been "harassed," "threatened," and "questioned" in order to pressure staff to quit working for the BBC in London (BBC 13 June 2013). Similarly, Al-Monitor, a news website featuring reporting and analysis of the Middle East, reports that family members of BBC staff were harassed by Iranian intelligence officials (Al-Monitor 29 Jan. 2013).

According to an August 2014 news release by Christian Solidarity Worldwide (CSW), an organization that works for "religious freedom through advocacy and human rights" (CSW 20 Aug. 2014), the family of a woman who fled Iran in 2011, has been facing "increasing pressure from Iranian authorities to ensure her return" (ibid.). The woman, who is the wife of an Iranian pastor who was detained and charged with blasphemy in 2010 and who also fled Iran in 2011, was arrested and detained for two months in 2010 and was tried in absentia in 2014 on charges of "actions against national security" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to an international organization in Ankara cited in the 2013 joint fact-finding report by the DRC, LANDINFO and Danish Immigration Service, in Tabriz, a family member of a politically-active blogger who left Iran was "detained for hours" and threatened in order to pressure both the family and the individual abroad (DRC et al. Feb. 2013, 52). The report also cites the Iran Watcher, a team of US experts on Iran (Spiegel Online 3 Dec. 2010) located at the US Embassy in London, as stating that the harassment of family members of people who left Iran is more of an issue for those with a higher profile, such as journalists, and human rights advocates and political activists (DRC et al. Feb 2013, 53).
This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The ICHRI is a New York-based human rights organization composed of lawyers, researchers and journalists, that aims to provide "relevant, verified, and up-to-date information about the human rights situation in Iran" (ICHRI n.d.).

[2] The DRC is a Copenhagen-based NGO that provides assistance to, and advocates on behalf of, conflict-affected populations (DRC n.d.). The Danish Immigration Service, a government agency under the Danish Ministry of Justice, is responsible for processing asylum cases in Denmark (Denmark n.d.). The Norwegian Country of Origin Information Centre, LANDINFO, is "an independent body within the Norwegian Immigration Authorities," which is "responsible for collecting, analysing and presenting objective and updated country of origin information" that is used by Norwegian authorities in rendering decisions about residency and asylum cases (Norway n.d.).

[3] The website of the Embassy of the Islamic Republic of Iran in The Hague states that Iranians without passports that have "other credible ID and documents with ID photos" can apply for a Laissez-passer to return to Iran (Iran n.d.).

References


Additional Sources Consulted

Oral sources: The following were unable to provide information for this Response: Iran Human Rights Documentation Center; professor of political science specializing in Iranian politics, York University.
Attempts to contact the following were unsuccessful within the time constraints of this Response: International Organization for Migration; International Campaign for Human Rights in Iran.

**Internet sites, including:** All Human Rights for All in Iran; Amnesty International; Asylum Insight; Border Crossing Observatory; ecoi.net; European Database of Asylum Law; Factiva; Human Rights Watch; Institute for War and Peace Reporting; International Crisis Group; International Federation for Human Rights; Iran Human Rights Documentation Center; Migration Policy Centre; Migration Watch UK; Refugee Action; United Kingdom – Home Office; United Nations – Refworld, Reliefweb; High Commissioner for Refugees; United States – Department of State.

**Tips on how to use this search engine.**