



REVIEW ARTICLE

EXISTENCE GAPS IN EFFECTIVE PROTECTION OF REFUGEES IN IRAN-WITH AN OVERVIEW ON IRAN'S DOMESTIC LAWS AND IT'S INTERNATIONAL RESPONSIBILITIES

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ABSTRACT

The author is going to consider Iran's domestic laws regarding to refugees and effective protection of them through Iran's international responsibilities. In the Iranian context, despite the voluntary return of hundreds of thousands of Afghan and Iraqi refugees to their countries of origin during the past decade, Iran remains host to one of the world's largest and most protracted refugee populations. The Islamic Republic of Iran is a signatory to the 1951 Convention and its related 1967 Protocol and based on international commitments, provides services to refugees. In Iran, refugees have following rights such as, residency permit and freedom to travel, access to court, law compliance, employment and so forth. Therefore there is need to study how the presence laws and other related international regulations regarding to refugees in Iran can be effective in improving refugee's quality of lives. There is need to study the role of presence laws and other related international regulations and Non-Governmental Organizations. The author will prove that if the present domestic laws towards refugee's community, international guidelines and organized and non- organized organizations work together closer and more committed, they will enable to create a unified response to the refugee crisis in Iran.

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INTRODUCTION

The right to seek asylum is enshrined in the Universal Declaration of Human Rights which has stated "every person has the right to seek asylum in another country for fear of persecution because of his or her ethnicity, religion, nationality or membership of particular social group". Refugees are entitled to seek security and basic provisions to live safely, but when refugees flee in large numbers to neighboring countries particularly in less developed or developing regions of the world, is not usually possible to ascertain whether every person involved in the influx actually meets the criteria for refugee status. But when conditions are objectively dangerous in a country of origin, refugees are recognized on a Prima Facie basis, without the need for further proof, and are afforded protection accordingly. In Iran, when mass influxes resulting from emergencies have arisen, the government has undertaken Prima Facie refugee status determination procedures and has provided temporary shelters before examining each case

individually, for example what has done for Afghans and Iraqi Kurds.¹ The Iranian government initially opened up its borders after the military invasion of Afghanistan by the soviet, on that time thousands of refugees flew into the neighboring countries like Iran and Pakistan and some also went to India, while smaller numbers left for Europe and North America.² Between 1979 to 1992 refugee's granted to Afghans under the Prima Facie basis. Indeed, from 1979, Afghan refugees entering Iran were called as 'Mohajerin' or 'Involuntary Religious Migrant'. The next wave of Afghan fleeing in Iran was when civil war broke out in Afghanistan after 1992, those refugees who were not fleeing religious persecution and were classified according to 1951 Refugee Convention as regular refugees by the Iranian government. Another wave of Afghan refugees arrived between '1994- 2001' due to Taliban rule. In 2000, almost a quarter of a million Afghans sought refuge in Iran and still many Afghans flee to Iran because of insecurity. Therefore, close to four million Afghan refugees entered Iran and only a

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¹ Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008) P: 25.

² Jason Hart, Studies in Forced Migration- Political Violence and Displacement, Years of Conflict, (Berghahan Books - Oxford, Vol: 25, 2010) P: 166.

small group received residency permits while most remained in Iran illegally, these people are deprived of all legal right such as opening bank account, right to education, and other related rights to refugees.³ The majority of Afghan refugees to Iran were Dari/Farsi speaking, ethnic Tajiks, Farsis and in particular Hazara who were Shia Muslims like the majority of Iranians. In addition some Uzbeks, Norestainies and a few smaller ethnic groups came to Iran.⁴ It is noteworthy that, the Islamic Republic of Iran hosts one of the largest urban refugee populations worldwide with 97 per cent living in urban and semi-urban areas and the remainder living in settlements. Statistic available from 2011, estimated that 57 per cent of Afghan refugees live in the province of Tehran, Khorasan Razavi and Esfehan. According to the 2012 estimates by Iran's official Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA) some 1.4 to 2 million Afghans who are not registered as refugees live and work in Iran. Further, the Islamic Republic of Iran is the third largest hosting country of the refugees under the UNHCR mandates in 2014.⁵ In addition, Islamic republic of Iran hosted up to 500,000 Iraqi refugees after the three main waves of arrival in 1980, 1991 and 2003. Iraqi refugees were registered as Prima Facie refugees. New Iraqi asylum-seekers are required to have their refugee status determined individually through the government

Refugee Status Determination Procedure (RSD); The majority of them originate from central Iraq⁶ and their flow began in 1975, when Iraqi Kurds were forced to leave some zones and further when agreement between Saddam Hussein and the Shah of Iran allowed Baghdad to crush Kurdish rebellions. In 1980-1981 another 200,000 Iraqis who were known as Faili Kurds were expelled by their own government which later they claimed that they were descendants of Iranian immigrants and not of Iraqis citizens. And the third wave was within the Iraq- Iran war in 1980-1981, more people fled across the border, mainly from the Kurdish and Shia areas of Iraq. In 1999, tens of thousands of Iraqis fled to Iran after the assassination of Mohammad Sadiq al Sadr, the prominent Shia religious leader for fearing of persecution.⁷ Today the number of registered refugees who those issued refugee cards by the Government of Iran being around 951,142 Afghan refugees and 28,268 Iraqi refugees. These numbers are calculated by the Bureau of Aliens & Foreign Immigrants' Affairs (BAFIA)⁸ in 2015, which occurs annually.⁹

Despite the political and socio- economic challenges, the government had protected Afghan and Iraqis refugees through providing education, healthcare and livelihood opportunities and refugees inclusive in the Universal National Health Insurance Scheme. But for better understanding the refugee's

status in Iran and finding out existence gaps in effective protection of refugees, considering different national and international laws towards refugees in Iran will be needed.

IRAN'S Domestic Laws

The Refugee By- Law was the first legislation approved in Iran on refugees in 1963. This legislation proved the way for the legalization of refugee rights and the improvement of the status of refugees in Iran. According to Article 1 of the Iranian Refugee By- Law, "a Refugee, is a person who for political, religion or racial reasons or for a membership of particular social group fears persecution or a threat to his life or that of his family members supported by him, and seek asylum in Iran". Under Article 2 of the same law; a refugee is identified in the following ways;

- By crossing the border into Iran and inform the first border inspection without delay.
- By submission of an application while residing outside Iran.
- By requesting asylum and entry to Iran.
- By submission of an application requesting asylum while residing in Iran.

There is a Permanent Committee for a refugee based in the Ministry of Interior in charge of refugee affairs. The Committee has the authority to accept or deny refugee status, and manages all other refugee affairs. Article 7 of the Entry and Residence of Foreign Nationals Act 1931, states that, a foreign national requires permission from the Iranian authorities to enter, reside in and depart from Iran. For accepting asylum seekers as refugee, Iran sends these applicants to camps while the government runs background checks to arrive at a decision on their status, an applicant who is physically and mentally healthy, and does not carry contagious disease, is released from the camp once his background checks are done and a decision on his legal status is abstained. Refugees who remain in permanent camps receive a monthly stipend which is based on the financial ability of the Iranian government, the numbers of refugee in camps and their needs and stipend is paid to the head or guardian of the family.¹⁰

Therefore, through Amayesh card which is issuing by BAFIA, refugees are enable to access basic services and allowed Afghan and Iraqis to receive work permits, rationed food and supplies. This registration scheme started in 2003 and the registration has been carried out periodically. Recently the Amayesh 10 registration exercise is completed as of August 2015. Those Afghan refugees who hold white refugee documents known as "Panahandegan", mostly they are highly educated individuals and established professionals, and more often give to Iraqis than to Afghans. The white card, actually provide greater rights such as exemption from taxes, the right to work, and the right to obtain travel documents; but it also requires holders to renew their status every three months and to report movement and residence to the authorities. Therefore, the white card benefits than blue cards which has obtained by those Afghan refugees known as "Mohajerin". Blue card holders were granted indefinite permission to stay in Iran legally. All these social advantages such as access to

³ Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008) P: 12.

⁴ Jason Hart, Studies in Forced Migration- Political Violence and Displacement, Years of Conflict, (Berghahan Books - Oxford, Vol:25, 2010) 166.

⁵ UNHCR, mid-year trends (2014).

⁶ UNHCR, "The UNHCR Representation in the Islamic Republic of Iran" <www.unhcr.org/pages/49e486f96.html, 1 march 2016> accessed on 9 June 2016

⁷ Paul de Guchteneire, "Matthias Koenig, Jean-Pierre Cassarino, The Conditions of Modern Return Migrants", (International Journal on Multicultural Societies IJMS, Vol. 10, No. 2, 2008) P:146.

⁸ BAFIA is the department responsible for refugee affairs in the country and following the review of the refugees' status under the Amayesh scheme, through issuing Amayesh cards to refugees.

⁹ Norwegian Refugee Council, "Iran, Refugee Matters in Iran", (January-February 2014, Special Edition, Volume 3, Issue 1) P:1.

¹⁰ Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008) P: 27.

subsidized healthcare and food, and free primary and secondary education; but they could not own their own businesses or work as street vendors, and their employment was limited to low wage, manual labour ended in 1995 for blue card holders. One of the issues with the blue card was that the duration of stay was not specified, so the card could be revoked at any time.¹¹

In 2000 Iran passed a law known as Article 48 as part of the government's five years development plan. This law established the parameters for the repatriation of Afghan refugees through a process administered by the Iranian Bureau of Aliens and Foreign Immigrant's Affairs. Under Article 48, all Afghans without work permit were required to leave, unless they could demonstrate that they would face physical threats on return. By the end of 2000, 130,000 Afghans had repatriated and 80,000 had been recognized as refugees by UNHCR and allowed to remain in Iran. By following this policy the movements of refugees was restricted to one province.¹² In 2001, the Ministry of Labour and Social Affairs made employers of foreign illegal workers subject to heavy fines and imprisonment. Many small businesses employing Afghans were shut down. Afghans with residence cards were permitted to work in sixteen categories of mainly manual work.¹³ Under Iran's domestic laws and regulations, recognized refugees are eligible for having following rights;

Residency Permit and Freedom to Travel; even though refugees are prohibited from entering certain areas in the country for political, economic or social reasons.¹⁴

Marriage; refugee can marry the nationals of Iran and the main objective of marriage must be establishing a family rather than to obtaining a work permits or residency permits and citizenship and other rights. Article 1060 of the Iranian Civil Code states that, marriage of Iranian women with a foreign national is dependent upon special permission of the government. Before granting the permit, the Interior Ministry should determine whether the partner has legal residency and funding in Iran to provide for his spouse. On the other hand marriage between a refugee female and an Iranian male does not require permission from the Ministry of Interior or the government authorities. Afghan women and girls in Iran enjoy a number of freedoms of movement, access to quality education and ability to seek divorce than do women and girls in Afghanistan.

Birth Registration; births are registered in Iran both when the children is born to parents who are Iranian and when he or she is born to foreign nationals who are residing in Iran legally.

Right to Property; Article 13 of the Refugee Convention is related to right to acquire movable and immovable property; in Iran also the foreign nationals are allowed to acquire residential business or industrial property with a prior permit. Also there are no restrictions on the acquisition of movable

property and refugees are free to purchase movable properties to any value.¹⁵

Intellectual Rights; a rights of refugee towards artistic and literacy work are respected by law in the same manner as the ownership of assets is protected. A refugee enjoy intellectual rights in addition to fiduciary rights and benefits, a trade mark and patent and industrial properties that belong to refugees are protected, therefore the owner of a registered trade mark has the exclusive right over the commercial brand. There are two conditions under which a refugee's trade mark are protected:

- First, when a refugee owns a commercial, industrial or agriculture firm in Iran and when a trade mark is registered according to Iran's law, the refugee will have legal rights and protection for the label or trade mark.
- Secondly, when a refugee owns a commercial, industrial or agriculture firm outside Iran, but wishes to use his label or trade mark to introduce the product in Iran.
- Regarding to patent rights, the law gives the same protection to refugees as it accords to Iranian nationals with respect to the protection of privileges and exclusive use of patents. A refugee's patent is protected under Iranian law if two conditions are met:
- First, there is no record that shows the patent was registered abroad to enable the refugee to register the patent for the first time in Iran.
- Secondly, when there is a record that shows the patent was registered abroad for which the refugee seeks legal protections in Iran which ease if the invention has never used before in Iran, it is protected.¹⁶

Access to Court; under Article 16(2) of Refugee Convention a refugee shall enjoy the equal right as nationals in access to court. Furthermore Article 144 of the Civil Procedure Code of Public and Revolutionary Courts on Civil Cases passed in 2000 states that, foreign nationals whether as claimant or third party to a claim should provide surety to compensate for the payment of costs or a lawyer for a claim.

Refugee Employment; a refugee who seeks employment in Iran is treated as a foreign national and required to obtain a work permit. According to Article 120 of the Iran Labour Code 1990, foreign nationals are prohibited from seeking employment in Iran unless they have a work visa or obtain a work permit in accordance with relevant laws and regulations. Work permit are valid for a maximum of one year, but can be renewed and are valid for the specific job they are issued for. Therefore refugees who seek without a valid work permit or fail to inform the Ministry of Labour and Social Affairs within fifteen days of a job termination, has committed on offense and can be expelled from Iran.¹⁷ On the other hand, refugees are banned from membership in both production and distribution cooperative, because the nationality of the Islamic republic of Iran is the necessary condition for membership in cooperation.

Social Security, the amended Article 5 of the Law on Social Security, passed in 1979, recognized full social security benefits¹⁸ for foreign nationals employed in Iran according to

¹¹Paul de Guchteneire, Matthias Koenig, Jean-Pierre Cassarino, The Conditions of Modern Return Migrants, (International Journal on Multicultural Societies, IJMS, Vol. 10, No. 2, 2008) P:150

¹² Human rights watch, "Afghanistan and Pakistan; Closed Door Policy, Afghan Refugees in Pakistan and Iran", (New York, Vol:14, February 2002), P:15

¹³ Paul de Guchteneire, "Matthias Koenig, Jean-Pierre Cassarino, The Conditions of Modern Return Migrants", (International Journal on Multicultural Societies (IJMS), 2008, Vol. 10, No. 2) P:149

¹⁴ SHIRIN EBADI, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008), P: 35

¹⁵ Ibid, P: 53

¹⁶ Ibid, P: 59

¹⁷ Ibid, P: 90

¹⁸ Social security in Iran covers all following areas such as, accident and sickness, maternity, wage compensation, disability, retirement, death, marriage and children.

existing regulations regardless of their nationality. Foreign nationals and refugees employed in Iran with a work permit are subject to the rules of the social security law and receive the same treatment by law as is accorded to Iranian. Foreign workers are denied social security in two conditions;

- First, when the respective governments of foreign nationals certify that they have social security in their own or another country while employed in Iran.
- Secondly, when the respective government of foreign nationals and the government of the Iran sign bilateral or multilateral social security agreement, in which case foreign nationals able to receive social security from the foreign national's country of origin.¹⁹

Many efforts have been made in this context, for example, UNHCR complements efforts of Ministry of Health in providing PHC²⁰ services to all refugees, including vaccinations, antenatal care, maternal and child health, and family planning. And the next example is UNHCR joint interventions with partners include medical referral, harm reduction, gender-based violence (GBV) prevention, and Community-Based Rehabilitation (CBR), Universal Public Health Insurance (UPHI) and so forth.

Freedom of Religion; Article 13 of the Iran's Constitution, recognizes the followers of three divine religion; Zoroastrians, Jews and Christians. They are the only recognized religious minorities and they are free to perform their religious rites and ceremonies. Furthermore Article 14 of the Constitutions invites Muslims to treat non- Muslims well. This Article states that, Iran and all Muslims are duty- bound to treat non- Muslims on conformity with ethical norms and the principles of Islamic justice and equity and to respect their human rights. Other religious including Hindus and Buddhists are legally barred from practicing their religious rites officially or in public, but they are allowed to reside in Iran.

Travel Documents; under Article 1 of the By-Law, refugees are allowed to travel abroad and the travel document is valid for one year after it is issued and can be renewed for five additional one-year terms.²¹

Naturalization; it will be ending refugee status for persons interested in assimilating into the new society. According to Article 13 of the Iranian Refugee By- Law, naturalization is granted favorably to refugees who have observed Iranian laws and regulations during their stay in the country. Furthermore under Article 979 of the Civil Code, persons who meet the following conditions are able to acquire Iranian nationality; if they have reached the age of eighteen, resided five years, whether continuously or intermittently in Iran, they are not deserters from military services and the last one when they

have not been convicted in any country of serious non-political misdemeanors or felonies.²²

Public Education; according to Article 7(1) of Iran's Refugee By- Law, a refugee will receive the same right accorded to Iranian nationals in the use of medical, cultural and social services when their application for refugee status is approved. This includes access to educations as registration fees, books and stationary.²³

In the '2013-2014' school year, 338,276 refugee, children afghan and Iraqis accessed education in Iran, with quasi-gender equality in favour of girls, 53 per cent girls and 47 per cent boys, but after 2015 due to the declare by supreme leader the literacy rate will be expected even more. In this year, UNHCR has committed to support the Government with the construction of three schools to benefit the refugee and host communities. Additionally, UNHCR, through partnership with Literacy Movement Organization (LMO) is providing literacy classes for 3,000 adults and over aged children.²⁴ With Iran's generosity in providing access to education for refugees, the younger generation of Afghan refugees in Iran has become increasingly enthusiastic about education. UNHCR intervenes to alleviate the burden of different educational fees on refugee families, enabling them to send their children, including girls to school. Among education projects implemented by UNHCR, additionally there are construction of schools in refugee-populated areas, the provision of equipment and supplies for schools where the majority of pupils are Afghan, equipping libraries in both settlements and urban areas, providing transportation to students from settlements and helping vulnerable students have been made also by this refugee agency. But it is worth mentioning that, the economic situation in Iran through various sanctions affected all sectors of the government and the increasing prices have affected refugees who are often in more vulnerable situations than the host populations and affected also the literacy rate among refugees.²⁵

Iran's Regional Responsibilities

Programmes and activities towards refugees in Iran are designed in coordination with the activities which carried out in Afghanistan, Pakistan and Iraq. For Afghan refugees, main goals are set within the context of the prevailing situation in Afghanistan. And for Iraqi refugees, UNHCR Office in Tehran sets its objectives on Iraqi refugees in light of the situation in Iraq and in consultation with OCM in Baghdad. Therefore, Iran in dealing with refugees has many regional agreement or contracts that can assist this country towards improving of refugee's status according to their needs after returning to their countries of origin which are detailed in following parts:

Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran

¹⁹ Shirin Ebadi, *Refugee Rights in Iran*, the UN Refugee Agency, (SAQI, 2008), P: 107-109

²⁰ Primary Health Care network has been established throughout the country. In rural areas, each village or group of villages contains a Health House, staffed by trained "Behvarz" or community health workers. In urban areas, similarly distributed urban health posts and Health Centers have been established. The whole network is managed and administered through District Health Centers, answerable to the Ministry of Health and Medical Education. For more information ; <http://www.unicef.org/iran/media_4427.html>

²¹ Shirin Ebadi, *Refugee Rights in Iran*, the UN Refugee Agency, (SAQI, 2008), p: 129

²² *ibid*, p: 131

²³ UNHCR, "Once an Afghan refugee in Iran, now a high-flier in his own country" (5 August 2013), <<http://www.refworld.org/country,,UNHCR,,IRN,,51ffa3984,0.html>>, accessed on:9 June 2016

²⁴ UNHCR, "IR FACTSH December 2015", <<http://www.unhcr.org/50002081d.html>>, accessed on 14 March 2016

²⁵ A Regional NGO Meeting on Afghan Refugees, Returnees and Durable Solutions, "Afghan Displaced Youth"(17-18 November 2015), <<http://www.icri-ir.com/images/WORD.pdf>>, accessed on 9 June 2016

In 1998-1999, the first deportation programme was launched by the Iranian authorities, targeting was undocumented Afghans. In 1995, the government announced that all Afghan refugees had to leave Iran. Later, Iran closed the border after Taliban in Afghanistan and repatriations were suspended. Instead, the Iranian authorities tried to confine refugees in camps. There were consequently as many as 98,000 living in camps in 1999.²⁶ The Bureau for Aliens and Foreign Immigrants Affairs (BAFIA) started the first phase of the Aliens Identification Plan (AIP) on 19 February 2001 in 28 provinces of Iran, to identify and register the documented aliens in Iran. Government statistics indicated that a total number of 2,563,827 persons were registered which 2,355,427 were Afghans, 202,878 were Iraqis and 5,522 had other nationalities. Voluntary repatriation remains the preferred durable solution for Afghan refugees in Iran and Measures taken by the Islamic Republic of Iran is addressing the basic needs and protection of refugees in the country. In this regard the principle that access to education, health care and diversified livelihood opportunities empower refugees and contributes to their sustainable reintegration upon return to Afghanistan. UNHCR works in close consultation with BAFIA to facilitate the voluntary repatriation in conditions of refugee's safety and dignity.²⁷

In this regard, at least a tripartite agreement was signed in April 2002 between Iran, Afghanistan and the UNHCR in order to facilitate the voluntary repatriation of Afghan refugees from Iran. The programme was reinforced when Taliban rule ended. The agreement, known as the 'Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran', that it has been renewed every year. It underlines the voluntary nature of the repatriation operation and also ensures the provision of basic support and assistance during the process including transport, medical facilities and customs procedures. This program through UNHCR assisted 918,263 Afghans in voluntarily returning home from the Islamic Republic of Iran. In additional, a total of 30,349 Iraqi refugees have been assisted to repatriate voluntarily since 2003. However, the number of people who have returned in '2013-2014' is lower than in previous years, so they require continued assistance.²⁸ This agreement is made up of three parts: first, an information campaign describing the programme and options for voluntary repatriation; secondly, financial incentives to encourage voluntary repatriation and the UNHCR is offering money and crops to returnees and thirdly, refugee status screening for people claiming a continuing need for protection. At the time, the government protected those refugees who were not willing to go back to Afghanistan through holding them in camps.

Repatriation of Iraqi's Refugees under UNHCR Policies

Towards Iraq refugees, the UNHCR began to repatriate them in 2003. The programme was initiated by the organization alone, which at the time was deployed in Iraq's three regions. The repatriation programme already seemed difficult to process, and started on a very small scale. On that time, many

refugees decided not to wait for the UNHCR, set up the programme and went back to Iraq. The border between Iran and Iraq is one of the most heavily mined in the world, making spontaneous crossings dangerous, and the UNHCR had strongly advised Iraqi refugees not to attempt the crossing on their own. A new border crossing was opened and used mainly by Iraqi Kurd refugees. Most of the Iraqi refugees have been repatriated until 2006. As the situation in Iraq remained unstable and precarious, the UNHCR interviewed all returnees before their departure, briefing them on security conditions in Iraq and ensuring that their decision to return was voluntary and well-informed.

The aim of the interviews was to make sure Iraqis had received proper training and information, and knew what and where they were going back to. A transit centre was set up in Dyana where food, awareness training and medical assistance were provided by International Rescue Committee (IRC) and other non-governmental organizations. In 2004, the UNHCR called upon all states to suspend repatriations because of the violence in Iraq. UNHCR cancelled its convoys but could not prevent refugees from going back by themselves and the Iranian state from expelling Iraqi refugees; but this happened after many Iraqis had already returned from Iran. The UNHCR made new proposals in 2006 to improve the targeting of those to be sent back home and limited categories of people that will not be repatriated to their home countries because it would endanger their physical safety and well-being which These categories include unaccompanied females, single women with no family or close relatives in Afghanistan like widows; single parents with small children and without a breadwinner; unaccompanied elderly people; unaccompanied children; victims of serious trauma because of sexual violence, physically or mentally disabled people and those with a medical illness.²⁹ By 2007, the UNHCR guidelines regarding repatriation of Iraqi refugees had not changed because the situation was still deteriorating in Iraq. The UNHCR held an international conference on this issue in 2007 and called on states not only to welcome new waves of refugees but also to avoid any repatriation for now.

Afghan Voluntary Repatriation Programme in 2007

The 2007 Tripartite Agreement which incorporates first, the UNHCR to provide returnees with cash grants to facilitate their reintegration, secondly, the Government of Afghanistan to assist in securing land allocations for returnees, and thirdly, the Government of the Islamic Republic of Iran to provide one member of each family with the option of returning to Iran with a one year extendable work and residence permit. Since the start of the voluntary repatriation programme until the beginning of 2007, around 1,643,491 Afghan refugees had returned to their home country from Iran. 848,311 of Afghan returnees were assisted by UNHCR Iran. Between November 2003 and December 2005, 146,692 Iraqis returned to their homeland. 18,305 of these Iraqi returnees were assisted by UNHCR Iran. The return process to Iraq was halted in 2006 due to the volatile security situation there. In 2007 UNHCR had continued to do the following activities:

²⁶ Paul de Guchteneire, Matthias Koenig, Jean-Pierre Cassarino, *The Conditions of Modern Return Migrants*, (International Journal on Multicultural Societies (IJMS), Vol. 10, No. 2, 2008) P:152

²⁷ UNHCR, *Solution Strategy for Afghan Refugees; Portfolio of Projects*, (2015-2016), P: 12.

²⁸ UNHCR, "The UNHCR Representation in the Islamic Republic of Iran" (2016) <<http://www.unhcr.org/pages/49e486f96.html>>, accessed on 1 March 2016

²⁹ Jason Hart, *Studies in Forced Migration- Political Violence and Displacement, Years of Conflict*, (Berghahan Books- Oxford, 2010, Vol: 25) P: 153.

- Assist and provide support to the Government of the Islamic Republic of Iran in developing the Iranian asylum policy.
- Provide legal assistance and protection to refugees in Iran.
- Facilitate voluntary repatriation to Afghanistan.
- Facilitate voluntary repatriation to Iraq.
- Provide assistance to the Ministry of Interior and BAFIA to cover operational costs
- Implementation of assistance projects for registered Afghan and Iraqi refugees in Iran, and assistance to the most vulnerable non-camp refugees in Iran.³⁰

A Health Insurance Scheme (HIS)

A Health Insurance Scheme (HIS) was implemented in 2011, ensuring that refugees continue to benefit from free primary health care. Iran has been designated as one of the seven priority refugee situations for the strategic use of resettlement. UNHCR has projected a total resettlement need of 82,000 persons among Afghan refugee populations in Iran. For 2013, UNHCR seeks as many as 5,000 places, including cases with special medical needs and women and girls at risk.³¹

Solutions Strategy for Afghan Refugees (SSAR) in 2012. In May 2012, the governments of Pakistan, Iran, Afghanistan and UNHCR adopted the "Solutions Strategy for Afghan Refugees" (SSAR). The SSAR outlines the need for increased voluntary repatriation, but also for enhanced resettlement as a means of international responsibility sharing, assistance to refugee affected and hosting areas (RAH) and alternative stay arrangements for refugees in Pakistan. Resettlement is considered to be a strategic component of the SSAR and a vital tool for maintaining adequate protection space. Prospects for local integration are limited and increasingly difficult due to the deteriorating economic situation. Due to the difficult economic conditions in Iran, voluntary repatriation to Afghanistan has risen in 2011. Resettlement is therefore an important durable solution for the Afghan refugee population although only a very small number of Afghan refugees in Iran have benefited from such solution so far. In 2011, the Refugee Contact Group on Iran was established with the aim of enhancing the ongoing resettlement of Afghan refugees from Iran. It aims to increase the number of resettlement places available for Afghan refugees in Iran, and to encourage multi-year commitments by resettlement countries to make the process more predictable and reliable for all parties. In addition to resettlement, the Contact Group has supported humanitarian assistance to refugees in Iran.

Contractual Agreement with LEGO

In 2013, NRC Iran signed a contractual agreement with LEGO, to introduce new learning methods to Afghan refugee's children in rural Kerman. The contract was the first of its kind for NRC globally and the first time it was tried in Iran with wide range of areas through obtain opportunities to complete secondary education, as well as vocational or professional

training for refugees that can lead them to employment.³² Namely, in December 2013, NRC also launched its occupational health and safety activity, in the refugee settlement 'Mohajerin Refugee Settlement' in the Iranian province of Semnan.³³

Sustainable Livelihood Framework

UNHCR, in coordination with relevant governmental entities, conducted a mission to Afghanistan in August 2015 to meet government ministries, UN agencies, private companies and NGOs working in the area of employment services and workforce development to collect information on the job market and explore opportunities to develop partnerships for voluntary repatriation and sustainable reintegration specially for that Afghan refugees who are interested in finding a job in their country. Food security is also strategically linked to the protection and livelihood of refugees. The World Food Programme (WFP) has been implementing a particularly important project in the refugee settlements that provides additional food assistance to families that send their daughters to school. This intervention aims to increase enrolment and reduce dropout rates among girls in secondary school. The program "Sustainable Livelihood Framework" also presents a systematic approach that links poverty reduction, sustainability and empowerment objectives. This programme seeks to improve the livelihoods of persons of concern in two ways. First, it provides direct services that enhance refugees' financial, human and social capital and secondly, through providing indirect support by influencing policies, institutions and systems in order to foster an environment in which the most vulnerable members of a community can achieve greater self-reliance. The main objective of improving livelihoods is self-reliance and economic independence of refugees, in order to support their sustainable reintegration in return and poverty reduction. It is expected that return to Afghanistan will be more viable for those with assets, education and skills. Activities will include vocational and livelihood skills training; training in life skills; and youth representation in planning and decision-making at community level.

In-country Solutions Strategy Activities in 2013

In order to improve the refugee's livelihoods, have been done more inclusive participation in the coordination of in-country Solutions Strategy activities in 2013. The NSC members and representatives from government ministries, UN agencies, NGOs, and donor countries, have been created a working group that led to returned voluntarily of approximately 4,456 persons to Afghanistan.

Vocational Training with the Technical and Vocational Training Organization (TVTO)

Through joint collaboration with the Ministry of Interior, a private insurance company and UNHCR, innovative complementary health insurance services were provided to nearly 220,200 vulnerable refugees, including some 2,000 with special diseases. The Government and UNHCR also provided

³⁰ General Assembly Statement, "Statement by Ambassador Mohammad Khazaee Permanent Representative of the Islamic Republic of Iran before the United Nations Disarmament Commission", (2008), <<http://iran-un.org/en/u-n-h-c-r/>> accessed on 9 Jun2016.

³¹ICMC Europe, "Afghan Refugees In Iran & Pakistan",(2013), <<http://www.resettlement.eu/page/afghan-refugees-iran-pakistan-0>>, accessed on 9 June 2016

³² Norwegian Refugee Council, "Iran, Refugee Matters in Iran", (January-February 2014, Volume 3, Issue 1., Special Edition), P:2.

³³ Afghan boys and men were given training by specialists on how to protect themselves whilst on worksites. As learned in the trainings many such injuries and dangers faced on a construction site can be avoided through having a basic understanding of how to prevent harm and how to use various tools. It also focuses on strengthening the living standards of refugees in settlements, through the construction and rehabilitation of shelter and settlement.

primary health care in 15 settlements and 29 urban locations. For the 2013-2014 school years, nearly 349,446 Afghan children enrolled in the National Iranian Education System. Projects to support education were also rolled out, including school construction, the provision of supplies and literacy training. Nearly 2,447 refugees received more than 50 different vocational training courses provided in partnership with the Technical and Vocational Training Organization (TVTO). In addition, a range of projects were implemented to improve the livelihood of Afghan refugees, including home-based enterprise development, revolving loan fund for micro credit, provision of income generating tools and cross-border job placement.

Portfolio Projects

The other instance is, PORTFOLIO Projects which was prepared for each country first in 2014 and updated in 2015 by the National Steering Committees in each country. This PORTFOLIO is framed by the following objectives of the Solutions Strategy:

- To seek durable solutions by supporting voluntary repatriation and enhancing resettlement options for the most vulnerable.
- To empower Afghan refugees through improved education, access to health services and livelihood opportunities.
- To support the Government of the Islamic Republic of Iran in the areas of education, health, shelter, water and the environment, in order to reduce the effects and consequences of the temporary presence of Afghan refugees. Iran has included preventive and curative health care for refugees in both the settlements and urban areas, with a particular focus on women and children. Its provision has also focused on; to ensure that refugees with certain diseases like, hemophilia, Thalassemia, or renal failure are able to afford the necessary procedures, to integrate the refugees in the public health insurance scheme after 2014 which it was intended to enroll all registered refugees in the Universal Public Health Insurance same as Iranian nationals.

Memorandum of Understanding (MOU) on the Health Insurance

And in recent year, a Memorandum of Understanding (MOU) on the Health Insurance was signed by the Minister of Labor, the Minister of Interior, and the Minister of Health on 4 May 2015. This MOU does not limit the implementation of health insurance to UNHCR funds, and UNHCR's support will rather be used to complement governmental efforts and financial contributions. There is the universal public health insurance UPHI scheme, also known as Salamat Health Insurance that is based on agreement between UNHCR, BAFIA of the ministry of Interior, the ministry of health and the Iran health insurance and the Iran health insurance organization. Through this project, refugees can benefit from a health insurance package for hospitalization, similar to that of Iranian nationals. Access to Salamat health insurance stands to benefit nearly one million afghan and Iraqi refugees living in Iran, and addresses the financial challenges related to the high cost of health care. Access to this insurance through UPHI improves the physical

and mental health and the economic and social well being of refugees in Iran.³⁴

IRAN'S International Reponsibilities

As a sovereign state, Iran retains the rights to grant or deny refugee status, and its decision cannot be challenged before a court. In 1976, Iran ratified the Convention Relating to the Status of Refugees and its related Protocol. Iran's obligations to refugees stem primarily from the refugee convention. Iran has agreed under Article 33, the prohibition against Refoulment, which is the cornerstone of refugee protection, not to return a refugee in any manner whatsoever to a territory where his or her life or freedom is threatened. Iran has declared that it considers the provisions of Articles 17 regarding to wage earning employment, 23 regarding to public relief, 24 regarding to labour legislation and social security and 26 related to freedom of movements of the Refugee Conventions as non-binding recommendation, but in Iran's Labour Law passed in 1991 and Iran's practice in providing Islamic humanitarian treatment to refugees reveals that Iran has considered all those rights.³⁵ And also Iran is party to the two International Human Rights Covenants, the International Covenant on Civil and Political Rights and International Covenants on Economic, Social and Cultural Rights, both covenants provide a significant range of rights to refugees within Iran's jurisdictions.³⁶ Iran has a positive record of observing these provisions and has welcomed large numbers of refugees. Iran is party neither to the 1954 Convention Relating to the Status of Stateless Persons nor to the 1961 Convention on the Reduction of Statelessness, and domestic laws are silent on these issues. Therefore Iran applies those laws that apply to refugee status to stateless persons who fear for the safety of their lives on that of their families.

Unhcr and its related partners towards refugees in Iran

UNHCR is the leading partner of BAFIA of the Ministry of Interior in providing services to the refugee population in Iran. Other UN agencies like WFP and UNICEF also provide some support. UNHCR first opened an office in Iran in 1984. UNHCR assisted initially the Afghans and later on expanding its programmes to benefit Iraqi refugees. Today, UNHCR has its country office in Tehran and three sub-offices in Mashhad, Zahedan and Ahwaz. It has two field offices in Orumieh and Dogharoun, two Border Exit Stations in Milak and Dogharoun and two Transit Centers in Shalamcheh and Piranshar. Five Voluntary Repatriation Centers are operating in Esfahan, Kerman, Shiraz, Mashhad and Soleimankhani. Over 90 per cent of UNHCR's activities in Iran are either implemented by the relevant departments or ministries of the Government of Iran or directly implemented by UNHCR. This is because of the reluctance of the GOI to accept the involvement of NGOs. The situation has improved over the last two years, but very slowly indeed. UNHCR implements the Medical Referral Unit (MRU) and the One Time Assistance (OTA) at OCM Tehran. Nevertheless, UNHCR continues to urge the Government to

³⁴UNHCR, "for refugees in Iran, health plan brings care and comfort", (17 December 2015), <http://www.refworld.org/country_IRN_5672dd674.0.html, by UNHCR publisher>, accessed on 17 January 2016.

³⁵ Shirin Ebadi, Refugee Rights in Iran, the UN Refugee Agency, (SAQI, 2008), P: 150

³⁶ Human rights watch, "Afghanistan and Pakistan; Closed Door Policy, Afghan Refugees in Pakistan and Iran", (New York, Vol:14, February 2002) P:15

accept more NGOs. UNHCR has various implementing and governmental agencies partners like; Bureau for Aliens and Foreign Immigrants Affairs; Ministries of the Interior, Education, Health, Treatment and Medical Education; Cooperatives, Labour and Social Welfare Technical and Vocational Training Organization. It has other close cooperation with difference NGOs such as, Chain of Hope, Danish Refugee Council, International World Relief Foundation, Iraqi Refugee Aid Council, Organization for Defending Victims of Violence, Rebirth Charity Organization, Society for Recovery Support Society to Protect Children Suffering from Cancer and Alborz Insurance Company, UNIDO and Norwegian Refugee Council, furthermore there are Others organization like: IOM, UNAIDS, UNESCO, UNFPA, UNICEF, UNODC, UNDP, WFP that the UNHCR work with.

WFP complements UNHCR's work by supplying food to over 64,000 camp-based refugees and 5,000 non-camp refugees and incentives for 5,500 refugees. UNHCR is the largest UN agency in Iran, employing 40 per cent of both local and international staff of all UN agencies. UNHCR is an active partner in the Common Country Assessment team (CCA). Discussions are held with UNICEF on activities for children especially education activities. UNHCR supports the effort of UNDP in the formation of a security team to deal with security matters and earthquake disaster.³⁷ UNHCR also supports and promotes environment projects such as tree planting, improvement of sanitation and drainage and water supply in camps and in communities where there are large concentrations of refugees. Several small community based projects for women have been proposed and are awaiting the agreement of the Government for the relevant NGOs to carry them out. Towards Article 48, UNHCR has shifted its emphasis from camp to non-camp refugees which had resulted in the layoff of thousands of Afghans from work. In this process, UNHCR is doing as much outreach protection and assistance work as possible. Emphasis is given to the most needy – in this case to those who have lost their jobs and have children and elderly to look after, to the sick who need medical treatment, to women in general and elderly women and men, and to children in general.

There are so many examples towards application of UNHCR for refugee's employment like, a group of Afghan women are connecting wires, soldering motherboards and making cars safer in Shiraz, Iran since 2015 under the supervisor of the 23 years old Afghan refugee who studied auto- mechanics assisted by UNHCR. In 2012, UNHCR assisted him financially, and allowing him to invent a starter system for vehicles that he was able to patent. He won third place in the national inventing festival in 2013 and he has continued to win awards and contracts from vehicle companies for his inventions. He finally registered his company and was offered an office space by the ministry of science in 2013. Then, he, UNHCR and BAFIA developed his plan through hiring women to work and to assemble his inventions in exchanging for financial support. Therefore, he could provide the women to overcome on cultural barriers. He hopes he can return to Afghanistan and establish such this company there.³⁸ Due to recent events, the

United Nations International Children's Emergency Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR) offices in Iran signed a Letter of Understanding in August 2015 to cooperate on a number of areas namely Child Protection, Education, Health and Nutrition as well as emergency preparedness, to assist Afghan refugees in Iran. Under the current joint country programme of cooperation 2012-2016, UNICEF Iran office works with BAFIA to increase the access of Afghan children to basic education and other inclusive social services in Iran. UNICEF and BAFIA also support civil society and non-governmental organizations to provide Afghan children and adolescents with basic education services and protect them from maltreatment and abuse. UNHCR and UNICEF have a long history of effective and demonstrated collaboration in international humanitarian programmes.³⁹ In 2016, UNHCR with government will continue focusing its programmes on health, education and livelihood, aimed at empowering refugees to contribute to reconstructing Afghanistan and facilitating their reintegration upon eventual return. Youth empowerment will continue to be a program focus. UNHCR will support the implementation of Iran "Portfolio of Projects" developed within the regional solutions strategy for Afghan refugees to support voluntary repatriation, sustainable reintegration and assistance to host countries and approval by the national steering committee.⁴⁰

Here should be noted that the important role of UNHCR in Iran as the organization which its aim is, to bolster the country's asylum space by supporting the Government, and support building refugees' human capital in preparation for a sustainable return to their country of origin or to a third country. And furthermore the UNHCR as mentioned earlier will enhance its interventions in urban areas, where most vulnerable refugees reside. During the past five years, UNHCR's budget in the Islamic Republic of Iran has gradually increased to better address the needs of Afghan and Iraqi refugees. In 2015, the operation's budget totals USD 73 million, amounting to 6.3 per cent (USD 4.3 million) more than in 2014. But in 2016 the operation's budget totals 70,663,243 million has reduced in compare to the year of 2015.⁴¹

Nongovernmental Organizations and Refugee Programs in Iran

The Iranian government is seeking greater assistance from international NGOs to meet the needs of hundreds of thousands of refugees. According to UNHCR, Some international NGOs already work with refugees in Iran, but several left the country earlier this decade because of difficult working conditions. But in the conference which staged earlier in Tehran by Iran's interior ministry, UNHCR and the International Consortium for Refugees in Iran, the government urged NGOs to return or establish a presence for the first time. Therefore, when repatriation is becoming more and more problematic, we should work with NGOs to find solutions to

news/latest/2015/10/562f55196/sparks-skills-new-hope-afghan-refugee-women-iran.html>, accessed on : 27 October 2015.

³⁹UNHCR, "UNICEF and UNHCR Iran offices partner to assist Afghan refugees", (02 Aug 2015), <<http://reliefweb.int/report/iran-islamic-republic/unicef-and-unhcr-iran-offices-partner-assist-afghan-refugees>>, accessed on 9 June 2016.

⁴⁰ UNHCR, "2016 Plan Summary", (2016), <http://reporting.unhcr.org/node/2527#_ga=1.197445615.1380607004.1426496381>, accessed on : 4 Jun 2016

⁴¹ .Original Budget For Islamic Republic Of Iran, (2016), accessed on 9 June 2016

³⁷ Country Operations Plan- "Iran, Part- I: Executive Summary", <<http://www.unhcr.org/3c6399114.pdf>> accessed on 12 June 2016

³⁸Teddy Leposky, Ed. Alex Court Sparks, "skills and new hope for Afghan refugee women in Iran", (27 October 2015), <<http://www.unhcr.org/>

assist voluntary repatriation". ICRI, International Consortium for Refugees has been active in Iran since 1993. It was established by a group of international organizations with the aim of providing coordination among NGOs that worked with the refugee committees in Iran. Its mandates is first, to encourage and support NGOs that work with refugees, secondly to disseminate information on the refugee situation, thirdly to develop the capacities of local NGO that work with refugees and finally to serve as a facilitation unit for incoming NGOs. There are small but dedicated groups of international and local NGOs active in the refugee field that implement projects in sectors such as education, livelihood, health and etc which are listed in details in following parts;

HAMI

HAMI is an NGO devoted the protection of refugee women and children since 1998. It is a nongovernmental effort to support refugees in Iran. HAMI has provided free education for Afghan children, through the establishment of two schools in Tehran and other cities.⁴²

Hamian-e-Rah-e-Zendegi Charitable Organization

The charitable organization Hamian-e-Rah-e-Zendegi (Supporters of the Direction in Life) which is implementing a UNHCR project to protecting street and working children, many of them Afghan refugees, in the city of Qom. As part of the UNHCR project, the Iranian NGO provides psycho-social counseling as well as life skills and, in some cases, financial assistance to vulnerable children. The children are identified with the assistance of the Afghan refugee community and also the government's State Welfare Organization, which is UNHCR's direct implementing partner in the project. Bernard Doyle, UNHCR's Representative in Iran said, "Many Afghan refugees are living in poor economic conditions and so often the whole family including children have to work. These children grow up fast on the streets and are often exposed to risks such as abuse, poor health, and mental problems. The project for street children enabled more than 40 young people to better cope with tragic and often traumatic circumstances in 2012."⁴³

NRC

NRC started programme activities in the Islamic Republic of Iran in January 2012. NRC's programme is seeking to reinforce the coping strategies of vulnerable Afghan refugees living in Iran and their capacity to take informed decisions prior to return. It is also trying to enhance the Afghan refugee capacity for taking informed decision in preparation to return, and sustainable integration upon voluntary repatriation to the country of origin or a third country as well as illegal migration back to the host country. NRC goal has always been to ensure compliance with international law while continuing to effectively implement its humanitarian activities in Iran.. NRC has been advocating for the establishment of a mechanism endorsed by governments for the transfer of humanitarian funding into Iran or, at least, a clear broader system of exemptions on humanitarian grounds to ensure that NGO due

diligence is matched by an equal degree of protection from repercussions. At present, NRC's programme in Iran is funded by the Norwegian Ministry of Foreign Affairs (NMFA), the EC Directorate General for Humanitarian Aid and Civil Protection (ECHO), Europe Aid's Support for Afghan Uprooted People (DEVCO), and the Australian Embassy Direct Assistance Programme (DAP) in four provinces: Alborz, Kerman, Qom and Semnan.

NRC core activities in the Islamic Republic of Iran are including:

- Education for all Afghan refugee children regardless of their legal status in the country through exploring possible cooperation trajectories through local partners, especially non-governmental organizations to expand its education intervention in terms of geographical access, number of beneficiaries, number of implementing partners and diversity of education-related activities. In addition to offering literacy NRC promotes and encourages extracurricular activities for Afghan children such as LEGO education classes. And further in cooperation with Shelter, NRC has built temporary classrooms, refurbished schools and classes in refugee settlements as well as urban settings.
- Food security and livelihoods, Under the Cash Transfer Programme, extremely vulnerable refugee families receive a rechargeable magnetic debit card to purchase food and hygiene products at Refah chain stores. NRC offers basic training in nutrition and home-economics to Refah Card recipients to enhance beneficiaries' nutrition and encourage consumption choices that can increase households' saving potentials. Further NRC offers vocational training for young Afghan refugees in all four provinces with aim of increasing refugees' income generation opportunities in Iran and facilitating a more sustainable return in case of voluntary repatriation. The courses, which are offered free of charge, include but are not limited to English, accounting, basic and advanced computer skills, digital photography and photo editing, video graph, sewing and architectural drafting as well as occupational health and safety trainings. Trainees who successfully finish the course receive a graduation certificate.
- Shelter, NRC will address housing deficiencies in refugee camps as well as urban and rural areas in Iran. The short term goal is to improve the living conditions and enhance earthquake safety standards in camps as well as urban areas.. In addition to constructing new shelters and latrines, in the future, NRC will focus on rehabilitating damaged structures, such as schools, in order to meet the increasing needs of refugee populations.
- Water, sanitation and hygiene, ensures refugees in accessing to safe water, adequate sanitation and proper hygiene practices by regular hygiene kit distributions and conducting hygiene trainings. In addition, WASH also constructs and upgrades latrines in camps and schools.
- Information counseling and legal assistance; to strengthen refugees through information and counseling activities and improving access to legal assistance to enable empowerment and protection. NRC in Iran will seek to ensure that Afghan refugees and people affected by displacement have access to accurate information

42 Massoumeh Ebtakar's Official Blog, "Afghan Refugees Find Precious Support From Iranian NGO", (21 June 2012) <<http://ebtekarm.blogspot.in/2012/06/afghan-refugees-find-support-from.html>>, accessed on 9 June 2016

43 UNHCR, "In Iran, UNHCR project provides comfort to troubled refugee youth", (27 February 2012) <<http://www.refworld.org/country,UNHCR,IRN,4f4f47c32,0.html>>, accessed on: 9 June 2016

and legal mechanisms in order to exercise their rights. NRC Iran in partnership with NRC Afghanistan will also assist those Afghan nationals wanting to repatriate but first needing legal assistance to rightfully reclaim land in Afghanistan or settle outstanding legal issues in Iran before returning.

- Advocacy, awareness raising and, NRC Iran will continue to support UNHCR's Regional Solutions Strategy for Afghan Refugee (SSAR) and advocate for increased space for coordination of humanitarian actors. NRC in partnership with the International Consortium for Refugees in Iran (ICRI) and the Iranian Red Crescent Society (IRCS), has translated the Sphere Handbook into Persian and is providing training to national and international organizations. In addition, NRC has been advocating for the establishment of a mechanism endorsed by governments for the transfer of humanitarian funding into Iran, currently limited due to international economic sanctions.⁴⁴

Operation Mercy NGO

Operation Mercy NGO which educates and empowers disadvantaged Afghan refugees, especially mothers and young women. Mercy NGO currently educate 800 mothers and young women who are refugees from Afghanistan, by providing courses in English, computers, sports training and skills training. It provides special weekly and monthly seminars and workshops on critical issues related to building relevant life skills. Operation Mercy Iran has been systematically training local NGOs in "leadership and project management skills", "HIV/AIDS prevention and treatment", "addiction prevention, treatment and reintegration", and "disaster preparedness and response" since 2010, and is now a training hub for capacity development of NGOs.⁴⁵

Women's Empowerment Project's (WEP)

Women's Empowerment Project's (WEP) social worker encouraged refugees under distress to join the literacy class and attend empowerment counseling given by the social workers.

Workshop on "Afghan Displaced Youth"

In 2015, NGOs from Afghanistan, Iran and Pakistan gathered in Tehran on Afghan refugee issue with focus on "Afghan Displaced Youth". The outcome of the workshop was that there is need to particular key objectives and indicators to guide NGOs towards Afghan youth refugees and to facilitate host government to understand these key issues. To enable tailored programming that support youth's potential and are aligned with their aspirations. This workshop is intended to create space for programme information exchange between NGOs, UN agencies, national and regional governments responsible for their protection.

Obstacles and Limitations

With concentrating on the status of Afghan refugees in Iran, still there are some gaps and the government of Iran's policies fail in some issues in effective protection of this vulnerable group such as;

- Under Human Rights Watch's perspective, Iranian forces deport thousands of Afghans summarily without allowing them the opportunity to prove they have a right to remain in Iran without case reviewed by a judge, access to legal assistance and the right of appeal. Said Joe Stork, deputy director for the Middle East and North Africa at Human Rights Watch, "Iran has an obligation to hear these people's refugee claims rather than sweeping them up and tossing them over the border to Afghanistan."
- The situations of unaccompanied migrant children in Iran who are traveling without parents or other are ambiguous.⁴⁶ And they may be denied entry at the border or detained by immigration officials and given no opportunities to seek asylum. There are possible durable solutions for unaccompanied and separated children which are including local integration, voluntary or safe repatriation, and resettlement. For unaccompanied and separated children who remain in the country of reception, local integration includes ensuring that these children have non-discriminatory access to education, housing and food, among other key rights, to ensure long-term security, safety and well-being. According to UNCHR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (1997), the best interests of an unaccompanied child require that the child not be returned unless, prior to the return, a suitable care-giver such as a parent, other relative, other adult care-taker, a government agency, a child-care agency in the country of origin has agreed, and is able to take responsibility for the child and provide him/her with appropriate protection and care. Furthermore, the repatriation process for unaccompanied and separated children must also look to reintegration to ensure that the child is a sustainable safety situation or the child will likely flee once again.⁴⁷
- Iranian law also denies or severely restricts Afghans' citizenship and marriage rights. Afghan men who marry Iranian women without government permission cannot apply for Iranian citizenship, and the children of such marriages face serious barriers to citizenship and these women face such serious problems.
- Refugee women and girls require special protection and assistance ranging from physical security to cultural sensitivity. Women of childbearing age often face pregnancy-related complications. Lack of training of mid-wives, septic abortions and insanitary conditions during birth, poor lighting during deliveries, and frequency of pregnancies, all create difficulties. Cultural differences, language barrier, lack of familiarity with the working practices and domestic violence are some other problems they face. On the

⁴⁴Norwegian Refugee Council, "NRC's Country Programme in Iran", (15 January 2016), <<http://www.nrc.no/?aid=9147811#.V1fUfvkrLIU>>, accessed on 3 June 2016.

⁴⁵ Op Mercy Iran, "EQUIPPING THE POOR", (26 January 2015), <<http://www.mercy.se/en/projects/iran/womens-empowerment-project/item/377-equipping-the-poor>>, accessed on:10 January 2016

⁴⁶ Human Rights Watch, "Iran: Afghan Refugees and Migrants Face Abuse", (20 November 2013), <<https://www.hrw.org/news/2013/11/20/iran-afghan-refugees-and-migrants-face-abuse>>, accessed on: 9/2/2016

⁴⁷Aryah Somers Landsberger, "Unaccompanied, Separated Children", <<http://www.refugeelaidinformation.org/unaccompaniedseparated-children>>, accessed on: 9 June 2016

other hand, Afghan women usually work at home, a result of cultural restraints and the women's various responsibilities at home which does not welcome the work of women outside the home. Hence, shelling pistachios, cleaning wool, making brooms, cleaning saffron, making chains, and carpet weaving are examples of some of the work Afghan women do at home and middle aged Afghan women who work outside of home as picking and harvesting fruits and vegetables. Overall, most of them work on unhealthy jobs. The women enlisted several obstacles and problems faced by their working such as illiteracy, education, health and income earning.⁴⁸ Furthermore, many of women refugees are victims of domestic violence but unfortunately the concept of marital rape is not recognized by the law in Iran and it is not seen as a crime and there is no specific law against domestic violence, except Articles 42, 43, 66 of Iranian Code of Criminal Procedure which due to cultural and political culture do not protect women sufficiently.

- More than 360,000 refugee children are receiving primary and secondary education and a decree by the supreme leader has resulted in 48,000 undocumented Afghans being registered in school. many children still however cannot afford an education, economic conditions of afghan refugees and the possibility of having a sustainable livelihood is still the crux of the issue affecting this population and this affect all the decisions regarding education , health and even decisions of return or secondary migration.
- There is lack of coordination between NGOs. They must play a greater role in improving the social acceptance of refugees in host countries.

Conclusion

An intensified international sanction affected the delivery of basic services, and resulted in a dramatic rise in living costs in the Islamic Republic of Iran. Some 24 per cent of registered refugees are considered vulnerable, a rate that is expected to increase due to the economic situation. Sanctions also had negatively impact on UNHCR's ability to provide humanitarian assistance in an effective and timely manner. Despite all these sanctions and lack of effective international supports, Iran in compare with other neighbor countries is in good condition regarding to affective protection of refugees. Towards better protection of refugees, the Iranian Government must be allowed Afghans who they have arrested for unlawful presence to lodge refugee claims or otherwise seek a protected status, review such claims fairly and efficiently, and ensure them to have his or her case reviewed by a judge and has access to free legal assistance and the right of appeal. Further particular focus must be given to the requirements of certain groups of refugees. For instance, special attention should be paid to meeting the educational needs of refugee girls, encouraging their enrolment, attendance and completion of schooling cycles. Afghan Girls allow attending school in Iran, and school was overall free of charge until 2004, since that time Iran implemented a fee for foreign student and Afghan attending school or university had to pay a small fee around \$50. But most of the refugees in Iran face with low income earning and

they may not able to provide this much money, therefore Iran should make difference between refugees and foreign student and attending school should be free for refugees.

Furthermore, opportunities for early childhood learning must also be provided, as will language, literacy, skills and numeracy training for over-aged students and adults, especially for women. Provision of child care, small loans and a job-search service would enable many more women to earn a living. The refugees should be involved in decision making and solving refugee problems. Since the refugee women are the best judges of their needs and aspirations, they should be included in all aspects of programme design and implementation. Law makers must create particular Law to better protect women as well as women refugees against domestic violence which placed within the refugee's families. Therefore, there is need to particular attention given to gender issues and the experience, concerns and aspirations of female adolescents and women. Regarding to unaccompanied Children who they are other type of vulnerable refugees, Article 3 of the CRC sets out that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The best interest of the child should be mainstreamed into all aspects of procedural operations involving unaccompanied and separated children.

Therefore, Iran must design either any system to support the unaccompanied and separated child through local integration strategy until the age of eighteen or through providing constitutional solution under political and moral concerns related to the return of children to questionable and possibly dangerous environments with ensuring safe repatriation. Security forces must protect unaccompanied migrants children from abuses at the borders and an agency with child welfare expertise must be assigned responsibility for the immediate and longer-term care of unaccompanied children through UNHCR, UNICEF and qualified NGOs. Since the majority of refugees in Iran work as unorganized labour, Iran may better gives facilities and encourages refugees in creating more self employment. And the By- Refugee Law through amendments or addition can help to distinguish refugees from labour migrants which stressed on importance of refugee status in compare with labour migrants.

There is need more recognition and support for NGOs precious civil society efforts from international organizations like the UNHCR and UNICEF as well as from the Iranian government. the NGOs programmes should be more a link between building skills and facilitating return for refugees who has plan to go back to their countries of origin voluntary. And the main purpose of NGOs must be connecting children to school and integrating them to social skill in education to improve their communication within society. And finally more regional programs for improving ties among Iran and its neighbors regarding to effective protection of refugees and creating a unified response to refugee crises in helping them to live in safety and dignity and their secure repatriate, to be needed.

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