

September 2013

Freedom of movement of Afghan refugees in Iran

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Although legally justifiable, increasing restrictions on movement and work for refugees in Iran have detrimental effects for the refugees.

Following the revolution in Iran in 1979 that brought about the Islamic Republic, the new government had an open-arms policy towards Afghan refugees from its early days, a policy rooted in the religious values and principles of Islam.¹ As a result, millions of Afghan refugees crossed the borders and settled across Iran without any restriction. Afghan refugees were fairly easily integrated given the common language and culture.

They successfully entered the local job market although, due to the nature of the jobs they found, a significant number of Afghan refugees have been working in remote areas while their families stayed in the cities. Inevitably these refugees travelled back and forth between their workplaces and places of residence.

Afghans in Iran had no difficulty moving freely from one location to another until in 2000 the Iranian government decided to regularise Afghans' status and launched a comprehensive plan jointly with UNHCR to register them.² This preliminary plan was followed by other complementary measures including the issuance of temporary residence cards for these refugees. Although the residence cards issued by the Iranian government regularised and legalised the status of Afghans in Iran, they also led to significant restrictions in movement for them.

Iran acceded to the 1951 Convention and 1967 Protocol in 1976 but entered reservations to four Articles, including Article 26 which allows for free movement of refugees.

Hence the Government of Iran does not consider itself bound by the provisions of that Article. The last part of Article 26 requires the contracting party to provide freedom of movement to refugees subject to any regulations applicable to aliens generally in the same circumstances.

Since the issuance of the first series of residence cards in 2003, Afghan and other refugees have been authorised to move freely within their designated province of residence. However, for travelling to other provinces, refugees have been required to inform the authorities and to obtain a *Laissez-Passer* (travel permit) before they travel. Without this, refugees are not allowed to go outside their designated

province or city of residence. Breach of this requirement can lead to arrest, detention and even deportation at the discretion of the authorities. Although the request for a *Laissez-Passer* is not in itself a major issue for refugees, they may face difficulties in obtaining one, both for reasons of the bureaucracy involved and issuance fees.

Afghan refugees are also only allowed to work within their areas of residence. They cannot leave the designated areas for work without obtaining a *Laissez-Passer*. At times some designated areas of residence might be so limited that Afghans have difficulties finding employment within that area. In addition, Afghan refugees are only authorised to be hired for specific jobs, a provision which clearly limits their options for employment.



Afghan refugee girls in Torbate-Jam settlement, Iran.

No-Go Areas

In 2007 the Supreme National Security Council of Iran declared some provinces – or some cities of a specific province – as No-Go Areas (NGAs) for foreign nationals, including refugees. The legal basis for this was Article 13 of the Law on the Entry and Residence of Foreign Nationals in Iran, which states that the government can announce No-Go Areas on grounds of “national security”, “public interest” and “health”.³ At the time that the new policy was implemented, the majority of declared NGAs were located in border areas but they were broadened over time and now include provinces and cities throughout the country.

Under the NGA policy, Afghan refugees are allowed neither to reside within the NGAs nor to travel to such areas. Upon declaration and publication of the list of NGAs, refugees are granted a deadline to decide whether they will opt for relocation to other areas of Iran that are designated by the government or for repatriation to Afghanistan. If relocated, they continue enjoying some basic rights such as education, employment, health care and housing in a secure environment. Nevertheless, the relocation becomes problematic for Afghan refugees because they have often lived in their areas for years and have established social and emotional ties and economic networks.⁴

Those refugees who do not comply with the requirements of the NGA policy are not allowed to obtain new temporary residence cards, and are subsequently considered as irregular foreign nationals in the country; if they have this status, the police forces are authorised to arrest and deport them to Afghanistan.

Humanitarian considerations

Although the establishment and the implementation of the NGA policy is legally well-founded, it raises concerns from a humanitarian perspective. While refugees are granted a considerable period of time to prepare their move, nevertheless the impact of such movement remains significant.

Importantly, such relocation is costly for Afghans who are among the poorest and most vulnerable in Iranian society, and seeking jobs in their new living environment is an additional difficulty they face.

In order to alleviate the socio-economic impact of relocation of refugees, the following measures should be considered prior to, during and after relocation:

- Designate areas for relocation which are closer in terms of distance and socio-cultural and environmental factors to the refugees' previous places of residence. The closer the new place of residence is, the lower the cost of transportation and related relocation expenses. Socio-cultural and environmental similarities could ease the integration of refugees in their new area of residence which is of benefit to both host communities and refugees.
- Given the significant cost of relocation for refugees, the Iranian government and international organisations could jointly assist refugees with relocation, either through direct financial assistance or by providing appropriate logistical facilities.
- The importance of reintegration in the new area of residence should not be underestimated. Local NGOs could support refugees in housing, employment and schooling of refugee children.

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1. See 'Islam, human rights and displacement', *Forced Migration Review* supplement www.fmreview.org/human-rights

2. Bruce Koepke 'The situation of Afghans in the Islamic Republic of Iran Nine Years After the overthrow of the Taliban Regime in Afghanistan', February 2011 <http://tinyurl.com/Koepke-Afghans-in-Iran-2011>

3. Norwegian Refugee Council Iran, *Refugee matters in Iran*, Vol 1, Issue 1, July 2012 www.nrc.no/arch/_img/9659994.pdf

4. UN Dispatch, 6 June 2012 <http://tinyurl.com/UNDISPATCH-Shuja-060612>