

**United Nations Association of Iran (UNA-IRAN)**  
**UPR Iran - February 2010**  
**Review of the Conditions of Afghan Refugees in Iran**

**Contact person: Leila Enayati**

**Tel: 0098 21 8897 1605**

**Email: enayati@unairan.org**

**Introduction**

1. Approximately three decades ago following the victory of the Islamic Revolution in Iran and the start of brotherhood ideology with Muslim countries, a huge wave of Afghan refugees who saw Iran as their best option with common religious, cultural and linguistic factors poured into Iran. Despite for years having its own problems such as the 8 year Iraq-Iran War, adopting an open door policy Iran made it possible for Afghans to seek refuge within its borders. This has repeatedly been appreciated and acknowledged by relevant UN officials. From 1979 to-date Iran has practically on a full-time basis been host to 2 million official and unofficial refugees, and at some periods the figures have gone up as high as 3 to 4 million. But over the period of time with relative security returning to post-Taliban and the formation of the central government in Afghanistan, a whisper and murmur of Afghans wishing to return to their country began. To this aim, in 2002 through a tripartite agreement between the Iranian and Afghan governments and the United Nations High Commissioner for Refugees (UNHCR) the voluntary repatriation of Afghan refugees took a more serious form. At first this repatriation process seemed to have a growing pattern, but in view of the lack of noticeable reconstruction in Afghanistan and also failure in supervision of the returnees this process took a reverse direction. This situation showed that the unsuitable political, social and economic conditions of Afghanistan and its stark comparison with living conditions in Iran made a lot of difficulties for the policy-makers and the creation of any form of protection and support mechanisms for refugees inside Iran was faced with criticisms and restrictions; because the critics saw any form of support for the refugees in Iran as an obstacle in the way of their repatriation to their country. The only other solution to the Afghan refugee problem is their integration in the host country, Iran in other words, something that to-date the Iranian government has refused to do. Ultimately sending of refugees to other countries seems like a last option, which in view of the sheer number of the refugees and the number of refugees other countries are willing to accept this option alongside the other two options seems will not really have much effect on the prolonged Afghan refugees in Iran problem. Considering the fact that the over the last three decades the Iranian government has presented Afghan Refugees in Iran with valuable services, and also with the appreciation of the hard work and support international organizations such as UNHCR have done for some of the refugees problems, the refugees continue to suffer from a number of problems which are narrated in this report.

**Education situation**

2. Over the recent years in view of the pain and suffering Afghan refugees have been put through during war in their country, the refugees have become increasingly inclined in

getting their children educated. And education is one of the problems which has constantly been a concern and worry for the refugees. Article 22 of the Convention Relating to the Status of Refugees with regards to public education states: “1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.”

According to article 7(a) of the Refugees Guidelines (1963), following acceptance of refugee status the refugee can benefit from the rights of Iranian citizens regarding health, cultural and social services. With regards to elementary school education, article 30 of the Iranian Constitution states that the government is obliged to provide free educational materials to all the nation until the middle school, and to provide higher education facilities freely to the self-sufficiency level of the country. According to the said principles education up to middle school must be free and refugees can also benefit from this. But since the stoppage of UNHCR education section, the Iranian government also legislated laws on Afghan children’s education in Iran. According to these laws and memorandums that have been sent to schools, Afghan children are entitled to education in elementary, secondary and high school education but they would have to pay annual education fees from 100 to 300 dollars. Nevertheless some supportive laws with regards to discounts and cost reductions for the more deprived refugees were adopted. In spite of this a substantial number of these families couldn’t manage to come up with the fees and as a result their children were deprived of education. Self-run Afghan schools were deemed illegal by the Iranian government due to the low standards of education. The situation at higher education levels have also been bound by different conditions and laws, such as permits for participation or non-participation in the nationwide university entrance exams in Iran, has made their presence in Iranian universities constantly difficult. Although it must be reminded that a noticeable number of Afghan refugees in Iran (around 5000) have managed to get BS, MS, and PhD university qualifications from Iranian universities.

### **Employment conditions**

3. Following the entry of refugees to a refugee taking country the most important problem that they face is employment. This problem due to long-term refugee status, such as the years residence of Afghan refugees in Iran is very relevant. Despite the fact that Iran itself has been struggling with numerous economic problems such as employment, but Afghan refugees have been able to get jobs in various economic and industrial sectors in Iran, with or without work permits. Although this issue has faced some ups and downs.

Article 17 of the Convention Relating to the Status of Refugees with regards to wage-earning employment states: “1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment. 2. In any case, restrictive measures imposed on aliens or the employment of

aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions: ( a ) He has completed three years' residence in the country; ( b ) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse; ( c ) He has one or more children possessing the nationality of the country of residence. 3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.”

4. When joining the Convention the Iranian government declared that it deems Article 17 as just a recommendation and it does see itself having commitments in its implementation. Therefore if a refugee wishes to work in Iran, he or she must obtain a work permit just like an alien national. Furthermore, article 120 of the Iranian Labour Law (1980) states that foreign nationals may not work in Iran unless they first of all have visas with work permits and secondly in accordance with the laws and guidelines regarding the acquiring of permits. With these definitions and also considering article 121 of the Labour Law, the Iranian Ministry of Employment and Social Affairs in this current year (2009) issued work permits for Afghan refugees aged 18 to 60 work permits in some professions. Although this measure is seen as a positive step towards pursuing refugees rights but these people still do not benefit from some rights such as social insurance, unemployment benefits, both of which are things that Iranian nationals benefit from. Furthermore, there have been problems with the payment of the costs for issuing refugees with work permits. It is hoped that by issuing free or low cost permits and also supporting the rights of Afghan refugees to employment, the Iranian government completes its humanitarian measures.

#### **Health and medical treatment situation**

5. One of the problems Afghan refugees in Iran that are face with is their medical health and hygiene treatment situation. The Iranian government has prepared some conditions where refugees that have specific ailments can benefit from medical insurance services. But these services do not include all other refugees. In view of this matter, the majority of refugees due to financial problems they refrain from going to hospitals, even the state-run ones which have lower costs, and that is why many of chronic diseases have gradually have spread among them and have caused problems for Afghan families, and increase the burden of costs on the Iranian government. On the other hand unfortunately in the recent years we have witnessed this problem becoming more complex. In most cases the refugees hospital costs, according to the Iranian Health Ministry's memorandum that is based on the same rates as non-refugee aliens at times the costs are several times more than usual hospital rates, something that has made the medical treatment of refugees a very critical issue.

#### **Economic conditions**

6. Due to the existence of various laws and the existing restrictions many Afghan refugees in Iran are in poor economic conditions. Nevertheless despite the existing

conditions, in comparison the refugees in Iran are in better conditions than in Afghanistan, and this has been the central point for their hesitation in voluntarily repatriating. These conditions have become worse with imposing taxes on Afghan refugees in Iran. Because the issuing of “Amayesh” Cards (refugees ID cards) are dependent on the payment of fees to the municipality. Those who cannot pay the fees will ultimately be deprived of getting new ID cards, and will join the group of illegal refugees. Although the Iranian government sets exceptions and discounts for some very poor families or those that have women heads of households, but in view of the vulnerability of the majority of Afghan families in Iran and also considering the problems that the Iranian government is faced with Afghan refugees, it is necessary for a reconsideration be made with regards to international organizations and UN donations and aid. But the problem may become more critical in the future because the Iranian government has a plan for the “removal of subsidies and their replacement with cash benefits to Iranian nationals”. Currently refugees also benefit from some of these subsidies that include on things like bread, fuels, water, electricity etc. But with the elimination of these subsidies from these fundamental items, the living costs will overnight increase dramatically, something that will put the refugees in very difficult situations. This requires a necessary policy making and interaction between the UN and Iranian officials.

### **Recommendations**

7. The voluntary repatriation of refugees: the reconstruction of Afghanistan and the provision of conditions for the voluntary repatriation of Afghan refugees is the best solution for the problems of these individuals, something that requires the will of the international community and Afghan government.

8. Determining Afghan refugee status: Afghan refugees have entered Iran at various points in times. Despite the fact that a group of these individuals that have even been living in Iran over for over 25 years, but they still do not have solid residency conditions. The Iranian government has even been trying to replace the term refugee with homeless for these people.

9. Provision of support services: considering that the UNHCR is the direct custodian of refugees in Iran, it is necessary for careful planning to be made for the support for this group in Iran. Despite the existence of the UNHCR in Iran, many services and charities refrain from directly providing services to refugees, therefore in view of this fact specific support conditions – particularly for the sick, women and unemployed individuals – in Iran must be extensively placed into the working agenda of international organizations.

10. Free education: in view of the education situation of Afghan children in Iran, it is necessary for talks to be held between the UNHCR and the Iranian government (with the Ministry of Education specifically) so that Afghan children can have full access to free education services.