

Iran : le statut légal des réfugié-e-s afghan-e-s

Recherche rapide de l'analyse-pays

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1 Introduction

Le présent document a été rédigé par l'analyse-pays de l'Organisation suisse d'aide aux réfugiés (OSAR) à la suite d'une demande qui lui a été adressée. Il se penche sur les questions suivantes:

1. Quelles sont pour une personne afghane les conditions d'attribution d'une carte de réfugié-e ou de résident-e en Iran ?
2. Quels sont les avantages ou les inconvénients d'une telle carte ?
3. Dans quelles conditions une personne afghane peut-elle perdre sa résidence légale en Iran ?

Pour répondre à ces questions, l'analyse-pays de l'OSAR s'est fondée sur des sources accessibles publiquement et disponibles dans les délais impartis (recherche rapide) ainsi que sur des renseignements d'expert-e-s.

2 Vue d'ensemble de la situation des réfugié-e-s afghan-e-s en Iran

Sur les trois millions d'Afghan-e-s que compte l'Iran, près d'un million sont des réfugié-e-s qui détiennent une carte d'identité appelée « Amayesh », entre 500 000 et 620 000 ont un passeport afghan ainsi qu'un visa temporaire et entre un et 1,5 million sont des immigré-e-s sans-papiers. Selon Volker Türk, le Haut-Commissaire adjoint pour la protection du Haut-Commissariat des Nations-Unies pour les réfugiés (HCR), cité par le *Tehran Times* en mai 2018, il y aurait actuellement près de 3 millions de personnes d'origine afghane en Iran. La plupart sont des personnes qui ont fui la guerre et l'insécurité dans leur pays et sont arrivés en Iran pendant ces dernières décennies. Sur ce total, 970 000 sont des réfugié-e-s é qui le gouvernement a délivré une carte d'identité *Amayesh*, et entre 1,5 et 2 millions sont des Afghan-e-s sans papiers, considérés comme des immigré-e-s illégaux (*Tehran Times*, 28 mai 2018). Selon un article du HCR, daté de novembre 2017, qui se base sur des estimations du gouvernement iranien, le nombre total d'Afghan-e-s en Iran dépasse 3 millions. Sur ce total, le nombre de sans-papiers dépasse un million et il y a également près de 620 000 Afghan-e-s qui possèdent un passeport afghan et un visa iranien (UNHCR, 14 novembre 2017). Selon la *Deutsche Welle* (DW), qui cite le HCR, l'Iran compte presque un million de réfugiés enregistrés, un demi-million d'Afghans qui ont un visa de travail et de résidence temporaire et 1,5 million d'Afghans en situation irrégulière qui n'ont pas de papiers d'identité (DW, 26 novembre 2016). Contrairement à d'autres pays qui accueillent un grand nombre de réfugié-e-s, l'Iran a pendant des années pratiqué une politique d'asile « inclusive », qui s'est traduite par l'absence de camps de réfugié-e-s et une intégration dans le système éducatif et de logements (*Tehran Times*, 28 mai 2018). Selon le HCR, 97 pourcents

des réfugié-e-s qui possèdent une carte *Amayesh* vivent en zone urbaine et les trois pourcents restants sont éparpillés dans 20 camps (UNHCR, 14 novembre 2017). Selon la *Direction Générale de l'aide humanitaire et de la protection civile de la Commission Européenne* (ECHO), les provinces avec le plus grand nombre de réfugié-e-s afghan-e-s doté-e-s d'une carte *Amayesh* comprennent Teheran (33%), Khorasan Razavi (16%), Esfahan (13%) et Kerman (8%). Les autres sont dispersé-e-s dans d'autres provinces (ECHO, 30 octobre 2016).

Accès à l'asile. Selon *Human Rights Watch* (HRW), le gouvernement iranien a fermé sa frontière avec l'Afghanistan en 2001 en déclarant qu'il était « pratiquement impossible [pour l'Iran] d'accepter de nouveaux réfugiés » (HRW, 20 novembre 2013). Selon ECHO et un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, depuis cette date, le gouvernement iranien ne permet plus aux réfugié-e-s d'avoir accès à un processus de détermination du statut de réfugié-e (ECHO, 30 octobre 2016). Pour HRW, alors qu'en 2002, l'asile avait encore été donné à une poignée de réfugié-e-s, dès 2007, le gouvernement n'a plus autorisé les réfugié-e-s à demander l'asile. L'ONG s'inquiète de l'absence d'un système d'asile fonctionnel qui a comme conséquence que les réfugié-e-s n'ont pas accès à la protection et à l'assistance dont ils ou elles auraient besoin. Cela les expose à un retour forcé en cas d'arrestation et de déportation et donc à subir des persécutions ou une situation de violence généralisée (HRW, 20 novembre 2013). Dans son rapport d'avril 2018 sur la situation des droits humains en Iran, USDOS rapporte que le HCR ne dispose pas d'information sur la manière dont le gouvernement procède pour déterminer le statut de réfugié-e. Se basant sur des informations de HRW, USDOS affirme que le gouvernement empêche les Afghan-e-s de s'enregistrer pour demander l'asile (USDOS, 20 avril 2018)

Carte d'identité *Amayesh*. Selon HRW, en 2003, soit deux ans après la fermeture de la frontière, un système de carte d'identité, appelé *Amayesh*, a été introduit par le gouvernement iranien pour enregistrer les Afghan-e-s à qui on avait donné le droit de résidence légale, sur la base de leur nationalité afghane, pendant les années 1980 et 1990. Pour le HCR, les détenteurs de cette carte sont alors devenus *de facto* des réfugiés. La vaste majorité des réfugié-e-s afghan-e-s arrivé-e-s en Iran après 2003 n'a pas été autorisé-e-s à demander cette carte (HRW, 20 novembre 2013). Selon *Nasim Sadat Hosseini Divkolaye*, seul-e-s les réfugié-e-s afghan-e-s qui sont arrivé-e-s en Iran avant 2001 ont pu s'enregistrer et obtenir la carte *Amayesh*. Tous celles et ceux qui sont arrivé-e-s après cette date, sont considéré-e-s par le gouvernement iranien comme des immigré-e-s illégaux (*Nasim Sadat Hosseini Divkolaye et al.*, 21 juillet 2017). Selon *Refugees Deeply* et selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, le gouvernement n'a plus fourni de carte *Amayesh* depuis 2007 (*Refugees Deeply*, 7 juillet 2018).

Restriction de la liberté de mouvement. Selon la représentante du HCR en Iran, *Sivanka Dhanapala*, le gouvernement iranien a adopté en 2001 une directive appelée « *No-Go Areas* » (NGAs) qui impose des restrictions de mouvements aux étrangers-ères, y compris les réfugié-e-s. Ces personnes ne peuvent pas voyager ou s'établir dans certaines provinces, ou parties de province. Ces restrictions n'ont pas été appliquées avant 2007 et les réfugié-e-s qui habitaient dans ces régions à ce moment-là ont eu le choix entre déménager ailleurs ou rentrer dans leur pays. Sur les 31 provinces que compte le pays, 17 sont entièrement NGA et onze le sont partiellement (UNHCR, 18 octobre 2017). Selon *Middle East Eye*, les Afghan-e-s ne peuvent pas se déplacer d'une ville à l'autre sans un permis spécial délivré par les autorités locales (*Middle East Eye*, 12 septembre 2017).

Discrimination et mauvais traitements des Afghan-e-s en Iran. USDOS rapporte que, selon HRW et d'autres groupes, les Afghan-e-s en Iran font l'objet de mauvais traitements, y compris des violences physiques, de la part des forces de sécurité. Ils/elles sont également victimes de déportation, de recrutement forcé pour se battre en Syrie, de détention dans des conditions inhumaines et insalubres, de paiements forcés pour le transport et le logement dans les camps de déportation, de travail forcé, de séparation forcée des familles et de restrictions de leur liberté de mouvements. Ils/elles ont également un accès limité à l'éducation et aux emplois (USDOS, 20 avril 2018). Selon *Refugees Deeply*, qu'ils/elles soient enregistré-e-s ou pas, les Afghan-e-s subissent de la discrimination, du harcèlement de la part de la police et des insultes. Les Afghan-e-s Hazara sont particulièrement visé-e-s du fait de leur physique distinct (*Refugees Deeply*, 27 juillet 2017). Selon *Patricia Gossman*, chercheuse pour HRW, citée par *Al-Jazeera*, les restrictions imposées aux Afghan-e-s incluent une liberté de mouvement et de voyage limitée, des barrières légales pour demander l'asile et un accès limité à l'aide humanitaire (*Al-Jazeera*, 17 mai 2016). Dans son rapport de 2013, HRW notait que la situation s'était dégradée pour tous les Afghan-e-s en Iran. La plupart rencontraient de sérieux obstacles pour bénéficier de l'aide humanitaire et des services sociaux et ils/elles faisaient l'objet d'arrestation et de détention arbitraire. HRW était particulièrement inquiet du manque de protection dont bénéficiaient les enfants migrants non-accompagnés pendant la procédure de déportation (HRW, novembre 2013). Selon *Middle East Eye*, les Afghan-e-s font souvent l'objet de discrimination, de ségrégation et d'insultes de la part de locaux. Les réfugié-e-s afghan-e-s ne peuvent par exemple pas posséder de voiture, de carte SIM, de maison ou d'entreprise. Cela pousse beaucoup de jeunes Afghan-e-s à essayer d'émigrer vers l'Europe (*Middle East Eye*, 12 septembre 2017).

Obstacles pour les mariages entre hommes afghans et femmes iraniennes. Les enfants nés de ces unions ne reçoivent pas de certificat de naissance. Selon USDOS, les autorités iraniennes requièrent des Afghans qu'ils obtiennent des documents de la part de leur ambassades ou office gouvernemental en Afghanistan pour enregistrer le mariage dans le pays. De plus, les autorités ne considèrent les enfants issus de ces unions comme éligibles à la citoyenneté iranienne uniquement si le père est déjà un citoyen iranien et enregistre l'enfant comme le sien. De fait, beaucoup d'enfants deviennent apatrides (USDOS, 20 avril 2018). Selon HRW, le gouvernement iranien refuse d'attribuer la citoyenneté aux Afghans mariés à des femmes iraniennes et il est difficile pour un enfant né de ces unions d'obtenir la citoyenneté iranienne (HRW, 20 novembre 2013). D'après le site d'information *Al-Monitor*, citant le code civil iranien, une permission spéciale du *Ministère des affaires étrangères* est nécessaire pour autoriser le mariage entre une femme iranienne et un ressortissant étranger. Près de 70 000 mariages entre des femmes iraniennes et des hommes afghans n'auraient pas été enregistrés auprès de l'office de l'état civil. Selon des chiffres, datant de 2011, du *Bureau sur la nationalité étrangère du gouverneur de Téhéran*, il y aurait 32 000 enfants en Iran qui n'ont pas de certificats de naissance car nés de pères étrangers. Ces enfants, dont beaucoup sont nés de pères afghans, n'ont alors pas accès à de nombreux droits fondamentaux (*Al-Monitor*, 5 décembre 2016).

Rapatriement, déportation et retours en Afghanistan. Selon *Euractiv*, le gouvernement iranien a mis en place en 2002 un programme de rapatriement volontaire avec le soutien de la communauté internationale (*Euractiv*, 20 février 2018). D'après *Nasim Sadat Hosseini Divkolaye*, de 2002 à 2014, le nombre total de retours volontaires vers l'Afghanistan s'est élevé à 920 161 (*Nasim Sadat Hosseini Divkolaye et al.*, 21 juillet 2017). Avec une dégradation de la situation en Afghanistan et une diminution des retours volontaires, le gouvernement

iranien a graduellement augmenté la pression sur les Afghan-e-s sans-papiers et a procédé à un plus grand nombre de déportations. En juillet 2017, *Refugees Deeply* rapportait que le gouvernement iranien avait augmenté le nombre de déportations avec l'objectif de renvoyer 600 000 Afghan-e-s en 2017 (*Refugees Deeply*, 27 juillet 2017). Selon le *Ministère afghan des réfugiés et des rapatriements* (MoRR), en 2017, plus de 450 000 Afghan-e-s sans-papiers qui vivaient en Iran sont retourné-e-s en Afghanistan, plus d'un tiers d'entre eux/elles ayant été déporté-e-s. Selon des chiffres de l'*Organisation mondiale pour les migrations* (OIM), cité par le MoRR, près de 90 pourcents de celles et ceux qui sont retourné-e-s en Afghanistan depuis l'Iran l'ont fait car ils/elles étaient victimes de harcèlement de la part de la police iranienne. Le MoRR estime, sur la base des tendances de ces dernières années, que près de 400 000 Afghan-e-s vivant en Iran retourneront en Afghanistan en 2018 (MoRR, 30 juin 2018). Selon *Refugees Deeply*, entre janvier et juillet 2018, au moins 242 500 Afghan-e-s sont rentré-e-s en Afghanistan, la plupart sous pression des autorités iraniennes (*Refugees Deeply*, 7 juillet 2018).

3 Les réfugié-e-s afghan-e-s en situation régulière

Le statut de réfugié-e conféré par la carte *Amayesh* est fragile. Des obstacles bureaucratiques compliquent son renouvellement. Il est estimé qu'entre 950 000 et 970 000 réfugié-e-s afghan-e-s détiennent une carte *Amayesh*. Celle-ci leur confère le statut de réfugié-e aux yeux des autorités iraniennes. Ils/elles sont également reconnu-e-s comme tels par le HCR qui concentre son assistance sur cette population (UNHCR, 19 novembre 2017). Le principal interlocuteur du HCR est le *Bureau des étrangers et des affaires des immigrants étrangers* (BAFIA), qui dépend du *Ministère de l'intérieur*. Le HCR et le BAFIA travaillent ensemble et assistent les réfugié-e-s dans le cadre d'une stratégie appelée « *Solutions strategy for afghan refugees* » (SSAR) (UNHCR, 18 octobre 2017). Selon HRW, celles et ceux qui détiennent la carte *Amayesh* font face à un ensemble d'obstacles bureaucratiques pour conserver leur statut et la moindre petite erreur peut conduire à la perte permanente de la carte. La carte, qui est en général valable pour un an, doit être renouvelée régulièrement. Si la carte expire, son détenteur ou sa détentrice est alors considéré comme étant en situation illégale et devient sujet à déportation. Les campagnes régulières de réenregistrement, le manque d'assistance pour comprendre les procédures bureaucratiques et les frais de renouvellement de la carte sont autant d'obstacles que les réfugié-e-s doivent surmonter pour maintenir leur statut légal en Iran (HRW, 20 novembre 2013). Se basant sur des informations d'ONG, USDOS rapporte que les cartes *Amayesh* sont difficiles et souvent chères à renouveler (USDOS, 20 avril 2018). Selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, la carte doit être renouvelée tous les douze à 18 mois.

La carte *Amayesh* offre à celles et ceux qui la détiennent un ensemble de droits qui sont toutefois limités, notamment par rapport au droit de résidence, de travail et à l'éducation. Selon l'*Agence suédoise des migrations* (SMA), la carte *Amayesh* donne le droit à ses détenteurs-trices de s'établir légalement dans le pays et d'avoir accès à des services sociaux de base (SMA, 10 avril 2018). Selon USDOS, la carte *Amayesh* facilite également l'obtention d'un permis de travail (USDOS, 20 avril 2018). Selon *Refugees Deeply*, la carte

Amayesh permet de résider légalement dans le pays, d'avoir accès à une éducation gratuite pour les enfants et de bénéficier d'une assurance-maladie subventionnée. Les Afghan-e-s qui la possèdent peuvent travailler dans un nombre de domaines limité (le service public est par exemple exclu) et le droit à la propriété est également limité (Refugees Deeply, 7 juillet 2018). Selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, les détenteurs-trices de la carte peuvent uniquement résider et travailler dans la province qui est mentionnée sur leur carte. Ils/elles ne peuvent pas quitter le pays ou se déplacer librement dans le pays. Pour ce faire, ils/elles doivent au préalable déposer leur carte auprès des autorités et obtenir un permis de voyage à leur frais. Les réfugié-e-s qui ne respectent pas ces règles sont susceptibles de perdre leur carte, d'être arrêtés et expulsés. Par ailleurs, s'il n'existe pas de limitations à la propriété des biens meubles (« *movable property* »), il en va autrement pour les biens immobiliers dont la propriété est limitée, et ceci pour tous les étrangers-ères.

Accès à l'assurance-maladie universelle et à des soins de santé. Celles et ceux qui détiennent une carte *Amayesh* ont accès au système d'assurance-maladie universel public (« *Universal Public Health Insurance* » – UPHI). Selon le HCR, pour bénéficier de l'UPHI, les réfugié-e-s doivent s'enregistrer auprès de bureaux locaux, appelés « *Pishkan centres* », où ils/elles reçoivent un cahier qui sert de passeport pour avoir accès aux soins fournis dans les hôpitaux gouvernementaux et les cliniques publiques et ceci à des coûts abordables. Le HCR complète la contribution du gouvernement et en 2017 il couvrait les primes de près de 110 000 réfugié-e-s parmi les plus pauvres, y compris celles et ceux souffrant d'hémophilie et de maladie rénale (UNHCR, 4 mai 2018). Selon *Nasim Sadat Hosseini Divkolaye*, l'UPHI couvre entièrement les coûts des traitements pour celles et ceux qui ont des maladies spéciales et pour les groupes vulnérables. Ces derniers comprennent par exemple des familles dont un membre est atteint de maladies incurables ou de troubles mentaux, les enfants de veufs iraniens qui ont épousé des Afghanes, des Afghans qui ont épousé des femmes iraniennes (Nasim Sadat Hosseini Divkolaye et al., 21 juillet 2017). Selon *Sivanka Dhanapala*, l'UPHI permet aux réfugié-e-s afghan-e-s d'avoir accès à tous les soins de santé primaires gratuitement. En cas d'hospitalisation et d'opération chirurgicale, l'UPHI couvre 90 pourcents des dépenses, y compris les frais d'hôpital et les autres frais médicaux (UNHCR, 18 octobre 2017). Selon USDOS, l'accès aux soins comprend les soins primaires, y compris les vaccinations, les soins prénataux, les soins maternels et infantiles et le planning familial. L'UPHI couvre les hospitalisations et les services de paraclinique (médicaments, visite chez le docteur, radiologie, etc.) (USDOS, 20 avril 2018). Selon *Refugees Deeply*, pour les femmes enceintes, l'UPHI couvre les coûts des visites de contrôle mensuels et l'accouchement, mais certaines patientes doivent payer en plus pour les tests sanguins ou les ultrasons (*Refugees Deeply*, 27 juillet 2017). D'après *Nasim Sadat Hosseini Divkolaye*, celles et ceux qui bénéficient de l'UPHI paient une prime mensuelle, couverte à moitié par le gouvernement iranien. Le HCR couvre également une partie de cette prime pour les familles les plus pauvres (Nasim Sadat Hosseini Divkolaye et al., 21 juillet 2017). Selon *Refugees Deeply*, le coût annuel des primes d'assurance-maladie est de 12 USD (12 fr.) par personne (*Refugees Deeply*, 27 juillet 2017).

Tous les enfants ont accès à l'éducation primaire et secondaire. L'accès aux études supérieures est plus limité. Selon le HCR, à la fin de l'année 2017, 420 000 enfants réfugiés afghans, dont 72 000 étaient en situation illégale, avaient accès aux écoles primaires et secondaires en Iran (UNHCR, 14 novembre 2017). Selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, les enfants n'ont accès qu'aux écoles qui sont situées dans la province indiquée sur leur carte *Amayesh*. Selon *Sivanka Dhanapala*, depuis 2016,

les enfants afghans n'ont plus de frais à payer pour l'éducation primaire et secondaire. Ceux-ci pouvaient auparavant se monter à près de 90 USD (87 fr.) par enfants. Cela a permis à plus de familles pauvres d'envoyer leurs enfants à l'école (UNHCR, 18 octobre 2017). Selon USDOS, qui se base sur des informations fournies par les médias, les enfants Afghans continuent cependant de rencontrer des difficultés pour aller à l'école, notamment en raison de frais d'enregistrement imposés par le gouvernement (USDOS, 20 avril 2018). Selon *Middle East Eye*, les enfants qui veulent faire des études supérieures n'ont qu'un choix limité de sujet d'étude. Il faut également fournir des documents administratifs qui ne peuvent être obtenus qu'en se rendant en Afghanistan (*Middle East Eye*, 12 septembre 2017). Selon HRW, les enfants afghans qui veulent faire des études à l'université doivent abandonner leur statut de réfugié-e et ils ne peuvent étudier que certaines matières (HRW, 20 novembre 2013). Selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, faire des études supérieures exige d'abandonner la carte *Amayesh* et d'obtenir un passeport afghan et un visa d'étudiant-e qui doit être renouvelé chaque année.

4 Les réfugié-e-s afghan-e-s en situation irrégulière

Près de 1,5 million de réfugié-e-s afghan-e-s sans-papiers, considéré-e-s comme des immigré-e-s illégaux, vivent dans des conditions très difficiles avec un accès très limité à l'emploi et aux soins de santé. Ils/elles risquent à tout moment l'arrestation et la déportation. Le nombre d'Afghan-e-s en situation irrégulière, qui n'ont ni de carte *Amayesh*, ni de visas temporaires, est estimé entre un et 1,5 million (UNHCR, 14 novembre 2017 ; DW, 26 novembre 2016). Selon ECHO, ces Afghan-e-s sans-papiers font face à des contraintes et des limitations dans l'accès aux soins de santé, au travail et à d'autres services essentiels (ECHO, 30 octobre 2016). Selon DW, les Afghan-e-s sans-papiers se cachent, sont traité-e-s comme des citoyens-ennes de seconde classe et se font souvent exploiter. La plupart vivent dans la peur d'être arrêtés et mis dans des camps de réfugiés (DW, 26 novembre 2016). *Euronews* rapporte que dans la province de Kerman, près de 130 000 Afghan-e-s en situation irrégulière n'ont que peu ou pas de droits. La durée de leur séjour en Iran ne joue aucun rôle (*Euronews*, 26 octobre 2017). Selon USDOS, les Afghans qui n'ont pas la carte *Amayesh* ne peuvent pas s'enregistrer avec le HCR pour bénéficier des programmes de réinstallation (USDOS, 20 avril 2018). Selon ECHO, le gouvernement a mis en place un plan de régularisation (« *comprehensive regularisation plan* ») visant à fournir aux sans-papiers un statut légal et des permis de travail après identification (ECHO, 30 octobre 2016). Selon un courriel, daté du 24 juillet 2018, d'une personne de contact de l'OSAR, un recensement des résident-e-s sans-papiers, appelé « *Head count of some undocumented families* », a été effectué par le gouvernement iranien entre janvier et septembre 2017. Selon le HCR, ce recensement a permis de pré-identifier 800 000 Afghan-e-s et constituerait la première étape vers une régularisation de ces personnes (UNHCR, 27 juillet 2018). Selon *l'Agence suédoise pour les migrations* (SMA), cela pourrait se faire à travers l'attribution de visas temporaires (SMA, 10 avril 2018).

Accès très limité aux soins de santé. D'après *Nasim Sadat Hosseini Divkolaye*, les Afghan-e-s sans-papiers ne peuvent pas être couvert-e-s par le système d'assurance-maladie universel public, ce qui limite leur accès aux soins de santé. Ces personnes peuvent certes

obtenir des soins auprès d'institutions de santé privées, mais dans ce cas elles doivent tout payer de leurs poches. Elles peuvent aussi dans certains cas bénéficier des soins de santé gratuits auprès d'ONGs ou d'organisations de charité. Cet accès limité aux soins de santé pour les Afghan-e-s sans-papiers est d'autant plus problématique que la plupart d'entre eux ou d'entre elles travaillent dans des secteurs, comme la construction, où le risque de blessures ou d'accident est particulièrement élevé (Nasim Sadat Hosseini Divkolaye et al., 21 juillet 2017). Selon *Refugees Deeply*, les Afghan-es sans-papiers hésitent souvent à se rendre dans les hôpitaux, de peur de se faire arrêter et expulser. Les femmes enceintes empruntent souvent de l'argent pour couvrir les coûts de la maternité ou choisissent d'accoucher à la maison (Refugees Deeply, 27 juillet 2017).

Les enfants afghans ont en principe accès à l'école primaire et secondaire, mais des obstacles subsistent. Selon le HCR, l'ouverture des écoles aux enfants afghans sans-papiers (par décret du Leader Suprême daté de mai 2015) a permis d'y enregistrer près de 72 000 enfants (UNHCR, 14 novembre 2017). Selon ECHO, il subsiste malgré tout des obstacles financiers pour ces enfants qui doivent notamment obtenir une *carte bleue* (« *blue card* ») qui permet de s'enregistrer à l'école (ECHO, 30 octobre 2016). Selon le *Conseil norvégien pour les réfugiés* (NRC), le décret de 2015 a permis en théorie d'éliminer les obstacles légaux qui s'opposaient jusque-là à l'enregistrement des enfants afghans sans-papiers à l'école. Néanmoins, il reste un ensemble de barrières non-légales (politiques, administratives, économiques et physiques), qui continuent de rendre l'accès à l'éducation difficile pour ces enfants. Ces obstacles incluent par exemple une mise en œuvre inégale du décret au niveau provincial et local, un budget de l'éducation insuffisant qui force certaines écoles à demander une contribution financière de la part des parents, les coûts liés au transport, à l'achat de livres et d'un uniforme, des classes bondées, un manque d'information pour les familles sans-papiers quant aux possibilités d'envoyer leurs enfants à l'école ou encore le manque de formation des enseignants iraniens sur les besoins spécifiques des enfants afghans (NRC, janvier 2017). Selon *Euractiv*, dans la province de Kerman, près de 10 000 enfants ne peuvent toujours pas suivre les cours à l'école. Pour beaucoup de familles pauvres, la charge financière reste trop lourde. Il manque également des classes et celles qui accueillent les enfants sont souvent bondées, avec parfois jusqu'à 44 enfants par classe alors que le nombre maximum devrait être de 25 enfants (Euractiv, 20 février 2018). Selon USDOS, des milliers d'enfants nés en Iran et qui n'ont pas obtenu de documents d'identité ne peuvent pas s'enregistrer à l'école (USDOS, 20 avril 2018). Selon *Al-Jazeera*, celles et ceux qui n'ont pas de documents d'identité ne peuvent pas faire d'études supérieures (Al-Jazeera, 17 mai 2016).

Sans accès à un permis de travail, les sans-papiers doivent se contenter de petits boulots mal payés. D'après USDOS, seuls celles et ceux qui détiennent la carte *Amayesh* ont le droit légal de travailler (USDOS, 20 avril 2018). Selon *Euractiv*, les Afghan-e-s en situation irrégulière n'ont d'autre choix que d'opter pour des petits boulots mal payés qui exigent peu de qualifications. A titre d'exemple, *Euractiv* cite le cas d'un maçon qui travaille quatorze heures par jour pour un salaire de 10 USD (10 fr.) par jour (Euractiv, 20 février 2018). Les Afghan-e-s sont également moins bien payé-e-s que les iraniens. Selon *Nasim Sadat Hosseini Divkolaye*, les iraniens ont souvent un salaire plus élevé de 10 à 23 pourcents qu'un-e Afghan-n-e (Nasim Sadat Hosseini Divkolaye et al., 21 juillet 2017).

Des Afghans recrutés par l'Iran pour se battre en Syrie en échange d'un permis de résidence et d'autres avantages. Selon DW, les réfugiés afghans, en particulier ceux qui n'ont pas de carte *Amayesh*, sont recrutés par le gouvernement pour se battre en Syrie. Le

gouvernement leur promet en échange de l'argent et un permis de résidence. Le parlement iranien a adopté en mai 2016 une loi qui garantit qu'en cas de décès au combat d'un Afghan engagé dans la division « *Fatemioun* » - un groupe armé exclusivement composé de soldats afghans - les membres survivants de la famille reçoivent alors la citoyenneté iranienne. Lorsqu'ils signent pour combattre en Syrie, les Afghans sont payés 500 USD par mois. On leur promet aussi une meilleure éducation et des conditions de vie améliorées (DW, 26 novembre 2016). Selon HRW, des enfants afghans sans-papiers de quatorze ans ont également été recrutés pour rejoindre ce groupe armé, qui compterait près de 14 000 soldats. HRW estime que le gouvernement ne fait pas assez pour empêcher le recrutement de ces enfants et les incitations qu'il fournit, particulièrement la citoyenneté iranienne offerte à la famille en cas de mort au combat, de blessure ou de capture, augmente le risque que des enfants soient recrutés (HRW, 1 octobre 2017). Selon le *Salaam Times*, les Afghans recrutés dans la division « *Fatemioun* » sont payées 787 USD par mois et on leur promet un permis de résidence et un logement. Comme la plupart des soldats au sein de cette division n'ont pas été suffisamment formés, ils subissent en général de lourdes pertes au combat (*Salaam Times*, 15 septembre 2017).

5 Sources

Al-Jazeera, 17 mai 2016:

*« Iran hosts some three million Afghan refugees, many of whom have poured into the country since the United States-led invasion in 2001. **However, only an estimated 950,000 are United Nations-registered, as Iranian authorities have not provided all Afghan refugees with an opportunity to legally claim asylum.***

Those born in the country are afforded UN-recognised refugee status, but they hold only a fraction of the rights granted to Iranian citizens. Many live without residency documents and are forced to exist off the grid, making their living from the black market.

"For Afghans, there is no chance for a future in Iran," Jawad says. "For the Iranian government, it wasn't enough that we are Muslims like them. I had to pay bribes to work, and the police were always harassing me."

"We were both born in Iran, but neither of us has documents," his wife Masoomi explains. "We don't want our children to face the same problems and racist treatment."

Human Rights Watch (HRW) and other watchdog organisations have accused the Iranian government of severe maltreatment of Afghans, including summary deportations, physical abuse at the hands of security forces, limited job opportunities outside menial labour, and restricted access to education.[...]

*Furthermore, HRW reported earlier this year **that Iran has been recruiting thousands of Afghan refugees to fight in pro-government armed groups in neighbouring Syria.***

The group said that many had been coerced into fighting, while some had been deported to Afghanistan as punishment for refusing. Others were offered residency papers and financial incentives in exchange for taking up arms in Syria.

Iran's foreign ministry has denied allegations that the refugees were coerced in the past, claiming instead that the refugees have volunteered to fight in Syria out of political or religious convictions.

'We cannot live like humans here'

Patricia Gossman, an Afghanistan senior researcher for HRW, told Al Jazeera that Afghans face discrimination in several areas, including restrictions on travel and freedom of movement, legal barriers to claiming asylum and limited access to humanitarian aid, among other things.

In mid-April, the EU announced an additional 16.5m euros (around \$18.7m) in aid to Iran to boost the government's capacity for assisting Afghan refugees.

Noting that the Iranian government has responded positively in some respects, Gossman says HRW has encouraged the international community to provide more aid.

"Assistance is of course needed and helps," she says, explaining that it can improve refugees' "access to education and healthcare."

"But - like refugees everywhere - Afghans are likely to continue to experience hardships in Iran." [...]

Niloofer has always dreamed of obtaining a university degree, a feat that would be nearly impossible in Iran. "[In Iran], we cannot go to school [university] or buy a house," she says.

As her family awaits a response to their asylum application, Niloofer hopes to enrol at a university in Berlin to study dentistry. [...]

'Dreaming of human rights'

Hamid, 26, was born as a refugee in Iran. He says that he had to become a refugee twice over to find hope for his future.

"I see the situation in Germany as good compared to ours in Afghanistan. Some people ask me if Iran is safe. They say nobody is shooting us in Iran. That's true, but we cannot live like humans there," he says.

"I don't want to say what happened to me in Iran; I don't want to speak about my experience," he adds, explaining that many refugees endure trauma that they struggle to express even long after arriving in Europe.

Without an identification card and unable to continue his studies after completing high school, he decided to leave the country in early 2016. "I am sure I will never go back to Iran, even if they deport me from Germany," he says.

"The Iranian government didn't treat us like humans - we couldn't go to the hospital with insurance," he recalls. "Maybe there are a lot of things wrong in Germany, but I am trying to see a new world. I'm here now. My first dream is to have human rights." » Source: Al-Jazeera, Why are Afghan refugees leaving Iran?, 17 mai 2016: www.aljazeera.com/indepth/features/2016/05/afghan-refugees-leaving-iran-160511103759873.html

Al-Monitor, 5 décembre 2016:

«Based on Iran's civil code, the marriage of an Iranian woman to a foreign national is dependent upon special permission from the Foreign Ministry. In practice, this means that Iranian women need to get permission to marry non Iranian Muslims. Iran's civil code forbids Muslim women from marrying non-Muslim men. An estimated 70,000 marriages between Iranian women and Afghan men are not registered with the National Organization for Civil Registration. Meanwhile, Iran's Interior Ministry has declared all marriages between Iranian women and Afghan men that took place after 2001 invalid. In contrast, Iranian men may marry Muslim or non-Muslim women and Iranian or non-Iranian women without obtaining permission from the Foreign Ministry. Under Iranian law, children born to an Iranian father — whether residing in Iran or abroad — are considered Iranian.

Meanwhile, children born to Iranian mothers are not granted automatic citizenship rights, creating a complicated situation for Iranian women who marry non -Iranian citizens. Statistics released in 2011 by the Tehran Governor's Office of Foreign Nationality shows around 32,000 children in Iran do not have birth certificates because their fathers are not Iranian citizens. Iranian women living abroad naturally may want to marry foreign men. But without permission to register the union, their marriages will not be accepted by Iranian law.

There are many women in Iran who are married to foreign nationals. For instance, many Afghan nationals have long lived in Iran and are married to Iranian women. Due to the complications in registering such marriages with the authorities, they have only religious certificates for their marriages. These unregistered marriages do not guarantee any rights to the Iranian wife and her children. They are not entitled to birth certificates and are therefore prevented from accessing many basic rights that the state is obliged to provide for its citizens.» Source: Al-Monitor, Iran's political paranoia includes children of foreign fathers, 5 décembre 2016: www.al-monitor.com/pulse/originals/2016/12/iranian-mothers-foreign-fathers-children-citizenship-law.html.

DW, 26 novembre 2016:

« When fighters from Iran die in the Syrian War, they are hailed as martyrs by Iranian authorities. "The country owes much to them," stressed the director of the Foundation of Martyrs and Veterans Affairs, Mohammad-Ali Shahidi. On Tuesday, he officially announced that over 1,000 fighters from Iran have fallen in the Syrian Civil War. He said they were soldiers in the Fatemiyon division, now revered as defenders of holy sites. Iran views the Sayyidah Zaynab shrine in Damascus, dedicated to the granddaughter of the prophet Muhammad, as an important place of pilgrimage for Shia Muslims.

The army division named after Fatemiyon, the daughter of the prophet of Islam, is mostly made up of Afghan fighters. Fatemiyon belongs to the Iranian Quds Force, the elite unit of the Iranian Revolutionary Guard that is deployed in special operations outside Iran.

"Many refugees from Afghanistan have been recruited and have traveled to Syria because they either need money or a residence permit - or both," said Kamal in an interview with Deutsche Welle. "But many of them have lost their lives in Syria." Almost 30 years ago, Kamal himself fled from Afghanistan to Iran. He lives in southern Iran with his wife and three children but he still does not feel integrated into Iranian society. His children, who only know Iran, do not even have Iranian citizenship. They are still seen as unwanted refugees.

Second-class human beings

According to the UN refugee agency UNHCR, about three million Afghans are currently living in Iran. Nearly a million of them are registered refugees. Almost 500,000 of them are immigrants with temporary residence and restricted work permits. The other one and half million have no documents and are considered to be illegal immigrants.

They do not trust the authorities. They fear that they will be sent back or be put in a refugee camp. They go into hiding and are treated as second-class human beings, often subject to exploitation.

"I was a small child when my family fled from Afghanistan 36 years ago. I myself have four children now. We have been living in Iran for three generations but none of us has papers," said Fatemeh. She lives on the outskirts of Tehran. "We are not allowed to own anything, not even a SIM card." However, she does not want to send her son to war even though it would bring many benefits to the entire family.

Iranian citizenship as a guarantee for those left behind

When eligible Afghan men sign up for combat in Syria, they are paid almost 500 US dollars a month, said the refugees. They are promised basic schooling or a university education and better living conditions for their families.

At the beginning of May 2016, Iranian parliament passed a law guaranteeing Iranian citizenship for surviving relatives of "Fatemiyon division" fighters in the event of their death. Thus, families of killed Afghans would be placed under the patronage of the powerful martyr foundation, founded in 1980, a year after the Islamic Revolution. The foundation takes care of the survivors of the many people killed in the revolution and soldiers who died in the Iraq War. One year after the revolution, neighboring Iraq attacked Iran and the ensuing war lasted eight years until 1988.

The Martyr Foundation has gained greatly in importance over the past 36 years and has risen to become one of the most influential institutions of the Islamic republic. It owns a large number of companies and is active in all major business sectors: in production, trade, oil, mining, the automotive industry and even tourism. Anyone under the protective hand of the Martyr Foundation is on the safe side of society and even receives recognition.

According to reports by conservative Iranian media outlets, the Fatemiyon division has almost 20,000 fighters. Not only does it defend holy sites in Syria, but General Qassem Soleimain, commander of the Iranian Quds Force explains, "It defends the Islamic Republic of Iran and its ideals. The Islamic State terror group was established to limit Iran's influence in the region and to harm us." Iran sees itself as a protector of Shiites in the Middle East and supports Syria's regime led by Alawite Bashar al-Assad. Major General Soleimani draws a great deal of media attention with his visits to the families left behind by fallen Afghans and has pictures taken with their children. » Source: Deutsche Welle (DW), Iran makes Afghan refugees martyrs of the Syrian Civil War, 26 novembre 2016: www.dw.com/en/iran-makes-afghan-refugees-martyrs-of-the-syrian-civil-war/a-36538092.

ECHO, 30 octobre 2016:

« After more than three decades of protracted displacement, **Iran hosts almost one million documented and an estimated two million undocumented Afghans refugees. Many, particularly those who do not hold the Amayesh registration card, face constraints and limitations on access to livelihoods, healthcare, and other essential services. It is estimated that some 2000 Afghans continue to arrive every day in Iran, but there has been no generalised refugee status determination (RSD) in the country since 2001.**

What are the needs?

The majority of refugees reside in the provinces of Tehran (33%), Khorasan Razavi (16%), Esfahan (13%), and Kerman (8%), with the rest dispersed in other provinces. While 97% live in urban areas, less than 3% are hosted in the 18 Afghan refugee settlements run by the Iranian government's Bureau for Alien and Foreign Immigrant Affairs (BAFIA). However, **Iran, recently committed to include all registered Afghan refugees in the national health insurance scheme on the same basis as its own citizens, enabling more than 145 000 refugees to be enrolled by the end of 2016. Undocumented Afghans are generally more vulnerable because they have not been eligible for most of the assistance provided. However, the Supreme Leader's decree in May 2015 allowed all children in Iran, regardless of their legal status, to access formal education. Since then, at least 350 000 Afghan and Iraqi refugee children, including some 77 000 undocumented Afghan boys and girls, have been enrolled in schools, according to the United Nations Refugee Agency (UNHCR). There are still some financial barriers to access, as undocumented children need to obtain a blue card to enroll, in addition to cultural impediments. Efforts have also been made to allow for less restrictive residence requirements with the "alternative stay arrangement" programme targeting refugees and changing their status into economic migrants with work permits. For undocumented Afghans, a "comprehensive regularisation plan" has been drawn up to provide them with legal status and work permits, and to identify them through a head-count.** » Source: ECHO, Iran Factsheet, 30 octobre 2016: https://reliefweb.int/sites/reliefweb.int/files/resources/iran_en_0.pdf.

Euractiv, 20 février 2018:

« **In Iran, no less than two million Afghan refugees have no residence permit.**

Recently, the Iranian government launched schooling programmes for Afghan children (particularly for those who do not hold a residence permit), programmes to officialise unregulated migrants and make residence requirements less strict.

“We want the children to be able to go to school, to have employment opportunities”, said Cornelia Ernst, MEP of the GUE/NGL [the European United Left-Nordic Green Left], to the Spanish press agency Efe. She is a member of the delegation for relations with Iran, chaired by Januzs Lewandowski, who visited the country during one of the regular interparliamentary meetings between Iran and the EU.

Following their meeting, the delegation visited one of the registration and health centres for Afghan refugees in Isfahan, in the centre of the country.

The European Union, which has been funding humanitarian projects in Iran since 1997, has allocated €10 million channelled through NGOs and UN agencies, to help Afghan refugees living in the country.

The aid is intended for the schooling of Afghan children in Iran, medical assistance and food security. It is also used to help refugees pay for medical insurance and provide access to legal advice.

In the Isfahan health centre, MEPs checked the quality of outpatient care. They also had the opportunity to speak with Afghan doctors and nurses as well with the people in charge of the centre, which is run by the Iranian government and the UNHCR.

The Iranian government has taken steps to include all legally resident Afghans in the national health system. Vaccination campaigns for children are frequent, especially against polio. Afghanistan and Pakistan are the only countries in the world where the disease is still endemic.

Ali Khamenei the current Supreme Leader, issued a decree in 2015 to allow Afghans, both legally and illegally resident, to study in Iran’s public schools. In 2016, 48,000 illegally resident Afghan children were enrolled in school for the first time, and this year the number reached 400 000.

Repatriation or integration?

In 2002, Iran set up a voluntary repatriation programme with the support of the international community and a cooperation between the government, the UN, and donors.

In November, the Iranian government called on William Lacy Swing, the director general of the International Organisation for Migration, who was visiting the country at the time, to help Afghans return to their home country.

Abbas Araghchi, Iran’s deputy foreign minister, called for the international community to contribute to improving the security and economic situation in Afghanistan, and to therefore better prepare the refugees for their return to the country.

However, Cornelia Ernst does not consider the return of Afghans to their country a viable solution: “repatriation is not the solution”, as Afghanistan “is not a safe country”.

Still, she believes it is necessary to improve their living conditions in Iran, as the issue of refugees illegally residing in the country is still “unresolved”. Afghans therefore have to face important obstacles, such as a limited access to basic services, and employment.

Most of them have no other alternative but to settle for small, low-wage jobs that require few qualifications, such as construction workers or parking attendants. In Qasem Abad, on the outskirts of the city of Varamin, brick makers work 14-hour shifts for a daily wage of \$10. Furthermore, they can only work six months a year, during the hot season.

Their access to the labour market is however facilitated by their freedom of choice of the place of residence. Some 97% of Afghan refugees live in urban areas, 33% of them in the Tehran province and only 3% live in refugee camps.

Comparisons with the situation in Europe

Janusz Lewandowski, a member of the EPP, welcomed Iran’s benevolence towards Afghans as a “humanitarian measure in response to the human disaster in Afghanistan”.

“Helping refugees is a good thing. We want to help, but we don’t think welcoming all refugees to Europe is the best of ideas”, added Cornelia Ernst.

The number of refugees in Iran is staggering: three million in a population with less than 83 million people. Furthermore, the country faced many setbacks over the last 40 years: the Iranian revolution (1979), war with Iraq (1980-1988) and years of international economic embargo.

Comparisons with the situation in Europe were inevitable during the visit of the delegation. The delegation also held talks with Mohammad Javad Zarif, Iran’s Foreign Minister and Ali Larijani, President of the Islamic Consultative Assembly of Iran.

Flavio Zanonato, a member of the Progressive Alliance of Socialists and Democrats group in the European Parliament (S & D), admitted that the welcome extended by Iran was “positive” and that the country has played host to many more refugees than Europe.

“Refugees, asylum seekers, arrive in such numbers in Iran that we cannot imagine the situation in Europe. In Italy, there are 250,000 refugees and we already say that it is disproportionate when there are three million over there, “added Flavio Zanonato. » Source: Euractiv, Better schooling for Afghan refugee children in Iran, 20 février 2018: www.euractiv.com/section/development-policy/news/better-schooling-for-afghan-refugee-children-in-iran/

Euronews, 26 octobre 2017:

« Deadly attacks and fighting have scattered Afghans across the world. And with more than half of all registered refugees coming from just three countries, Afghanistan is at number two, with 2.5 million people.

Nearly one million of those refugees are hosted in Iran, where it is estimated that up to 2 million more Afghans live undocumented, with no legal documentation at all.

Kerman is among the Iranian provinces with the highest proportion of immigrants to residents. About 10% of the three million local population are Afghans. But some of these immigrants first settled in the province forty years ago.

About 130,000 Afghans in Kerman are estimated to be undocumented, leaving them with no or little rights, irrespective of how long they have been in the country. We met Saeed, who is 13 years old and was born in Iran. He is an undocumented child. This left him without the right to go to school until 2015, when Iran adopted a decree that opened public schools to all refugee children. It was a milestone in the management of immigrants and it gave hope to thousands of children who could then begin to learn.

"I can read everything, whatever I want, for example the street signs, or the doctors prescriptions in the hospital".

Putting into practice the 2015 decree began by guaranteeing undocumented families that enrolling their children wouldn't trigger any deportation procedures. Then, the schools had to be adapted to cope with the pressure of thousands of new students. This is when the EU scaled up its financial support through its partners in the field.

Oliver Vandecasteele is the country director for the Norwegian Refugee Council in Iran,

"We've supported around forty schools in the country. It was essentially supply of equipment and renovations in order to re-open some schools. This one in particular was closed for several years. We also organized access to education programmes to help children who were out of the school system in previous years. They needed accelerated learning classes in order to integrate into school".

The EU allocated almost 10 million euros in 2017 to assist Afghan refugees in Iran. Commissioner Chrístos Stylianídis has visited the country twice, reinforcing how important the support that Iran is giving to Afghan refugees is for the EU, especially whilst the diplomatic situation remains delicate.

Caroline Birch from EU Humanitarian Aid is positive about the changes that taken place in recent times.

"I think things have changed very much since afghans first arrived over 30 yrs ago. And we are not looking at basic survival now, the idea will be very much to keep them enrolled in primary school so that they can look forward into going into secondary school and possibly even to University".

The Ministry in charge of refugees estimates that in the province of Kerman alone, 10,000 children are still out of school. Reaching the right level of education is among the reasons. Saeed could enroll at his regular grade after attending NRC summer courses. But financial constraints do the rest.

Fatemeh Sadat is Saeed's mum. Even now they have access to school, she still struggles with the financial commitments of getting her children into education.

"Last year we enrolled them in the 4th grade, they attended for a few months and then I had to take them out. It was because of the cost of the transportation and school fees".

But this year things are working differently for the family.

"Until today we haven't been asked to pay for anything at school. I started working, I go to a pistachio farm, and my husband works as well and Saeed asked to start working too. This is how he managed to pay for the school bus. Every afternoon he goes to work in a motorbike shop close to our house from 4 until 9pm".

School capacity is still way below the need. The province of Kerman had a total of 30,000 enrollments in two years, one third are of these are undocumented children. Classes today host an average of 40-44 students, while they should have a maximum capacity of 25 pupils.

Hamid Shamsaldini from Bafia Kerman estimated that it would take 1200 classes if they were to be able to put the 30,000 students into more acceptable sized classes.

We left Kerman to travel to Zangiabad. The school complex here acts as a school hub for many isolated villages sprinkled around this desert region. Here the NRC has just finished the construction of a new school:

Olivier Vandecasteele showed us here how the NRC was able to make a real difference,

"There was a capacity problem here that we could solve by building this school behind me. We built 10 classes that will allow 300 new students to have access to education".

90% of the students in the Zangiabad school we visited were Afghans and half of them are undocumented, like Amir Hossein who is 10 years old and was born in Iran. His grandmother is proud that, after her many years of hardship, some of her 21 grandchildren can finally go to school.

"We came from Afghanistan 30 years ago, but a year later I lost my husband. I couldn't send the children to school. We had a lot of difficulties and suffering. We were homesick, having no husband and having no one taking care of us. My children were orphans".

By enrolling, but also by trying to keep undocumented Afghan refugees in school, the doors are now open to a whole ghost generation of Afghans, enabling them to live up to their potential in society. » Source: Euronews, Undocumented Afghan refugees get a chance at school in Iran, 26 octobre 2017: www.euronews.com/2017/10/26/thousands-of-afghan-refugees-get-a-chance-at-school-in-iran.

HRW, 1 octobre 2017:

« Iran's Islamic Revolutionary Guards Corps (IRGC) has recruited Afghan immigrant children living in Iran to fight in Syria, Human Rights Watch said today. Afghan children as young as 14 have fought in the Fatemiyoun division, an exclusively Afghan armed group supported by Iran that fights alongside government forces in the Syrian conflict. Under

international law, recruiting children under the age of 15 to participate actively in hostilities is a war crime.

Human Rights Watch researchers reviewed photographs of tombstones in Iranian cemeteries where the authorities buried combatants killed in Syria, and identified eight Afghan children who apparently fought and died in Syria. Iranian media reports also corroborated some of these cases and reported at least six more instances of Afghan child soldiers who died in Syria. For two of the reported cases, researchers reviewed photographs of tombstones that indicated the individual was over the age of 18, but family members of these deceased fighters told Iranian media that they were children who had misrepresented their age in order to join the Fatemiyoun division. This indicates that instances of Iran recruiting children to fight in Syria are likely more prevalent.

[...]

In 2015, the Interior Ministry estimated that there were 2.5 million Afghans in Iran, many of them without residency papers. Human Rights Watch previously documented cases of Afghan refugees in Iran who “volunteered” to fight in Syria in the hopes of gaining legal status for their families.

Since 2013, Iran has supported and trained thousands of Afghans, at least some of them undocumented immigrants, as part of the Fatemiyoun division, a group that an Iranian newspaper close to the government describes as volunteer Afghan forces, to fight in Syria. In May 2015, Defa Press, a news agency close to Iran’s armed forces, reported that the Fatemiyoun had been elevated from a brigade to a division. There are no official public statistics on its size, but according to an interview published in the Revolutionary Guards-affiliated Tasnim News, it has about 14,000 fighters.[...]

There is little transparency in Iran’s recruitment of soldiers to fight in Syria, including whether it has implemented measures to prevent child recruitment. On January 27, 2016, Mohsen Kazermeini, commander of the Tehran-based Mohammad Rasoul Allah division of the IRGC, said in a media interview that Basij paramilitary branches affiliated with the Revolutionary Guards are in charge of recruiting forces to fight in Syria. **While Iran officially claims that all Afghans living in Iran who join the Fatemiyoun division are volunteers, the vulnerable legal position of many Afghan children living in Iran and their fear of being deported to Afghanistan may contribute to their decision to join up.**

Authorities have attempted to extend rights to Afghan children living in Iran. In 2015, Iran reportedly allowed all Afghan children, including undocumented ones, to register for schools after Supreme Leader Ali Khamenei issued a ruling emphasizing that “no Afghan child, even the undocumented ones, should be left out of school.” Yet, this research demonstrates authorities have done too little to protect Afghan children from being recruited to fight in Syria, particularly in light of the fact that the government has proposed offering incentives such as a path to citizenship for families of foreign fighters who die, become injured, or are taken captive during “military missions.” These incentives without sufficient protections could increase the risk of child recruitment; as the United Nations High Commissioner for Refugees’ Executive Committee has emphasized, “refugee children and adolescents... are particularly vulnerable to recruitment by government armed forces...” and has called upon governments to implement policies to prevent this human rights violation.

Under the Rome Statute of the International Criminal Court, “conscripting or enlisting children under the age of 15 years into national armed forces or using them to participate actively in hostilities” is a war crime. Iran is not a party to the Rome Statute, but is bound by customary international law which also provides that recruitment of children under age 15 is a war crime.[...]

“Iran should be improving protections for Afghan refugee children, not leaving them vulnerable to unscrupulous recruiting agents,” Whitson said. “Iran should immediately ratify the Optional Protocol and ensure that Afghan children are not being recruited to fight in Syria.” » Source: HRW, Iran: Afghan Children Recruited to Fight in Syria, 1 octobre 2017: www.hrw.org/news/2017/10/01/iran-afghan-children-recruited-fight-syria.

HRW, 20 novembre 2013:

« Afghans in Iran constitute one of the largest urban refugee populations in the world, with only 3 percent of Afghan refugees living in camps located in rural areas. There have been significant benefits for the millions of documented and undocumented Afghans who live in Iran. Many have been able to earn wages which, although at subsistence level or below, provide for a higher quality of life than they would have been able to attain in war-torn Afghanistan. Registered refugees have been allowed to access educational opportunities often of a higher standard than that available in Afghanistan. While authorities have made some efforts to provide primary education to undocumented Afghans living and working in Iran, many are still deprived of this right due to fees and other restrictions imposed by the Iranian government. Some Afghans simply would not have had access to education at all in Afghanistan.

Although some Iranian laws discriminate against women, particularly with regard to their dress and legal status in matters related to marriage, divorce, inheritance, and child custody, Afghan women and girls in Iran enjoy a number of freedoms denied to them at home. In particular, they have greater freedom of movement, access to quality education, and ability to seek divorce than do women and girls in Afghanistan. As one Afghan government official told Human Rights Watch, “People hear about honor killings [of women and girls] et cetera [in Afghanistan], and then they don’t want to come back.”

Although the Iranian government has been shouldering a heavy burden in dealing with the influx, and in some respects has responded well, since at least 2007 Iran has failed to allow newly arriving Afghans to register as asylum seekers. This failure exposes would-be asylum seekers to the possibility of being returned to persecution or to situations of generalized violence if they are deported to Afghanistan for unlawful presence in Iran.

United Nations High Commissioner for Refugees’ (UNHCR) August 2013 “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan” (“2013 Eligibility Guidelines”) call into question any strategy that does not adequately take into account the continuing need of many Afghans for asylum. In recent years conditions have worsened and pressures increased for nearly all Afghans in Iran. They face higher barriers to humanitarian aid and social services, arbitrary arrest and detention, and have little recourse when abused by government or private actors.

This report—based on interviews with 90 Afghans with recent experience in Iran and dozens of Afghan officials and refugee and migrant policy experts—documents those deteriorating conditions. It concludes that Iran is falling short of its obligations to Afghan refugees and migrants under both Iranian and international law. Iran is failing to provide newly arriving asylum seekers access to protection because a functioning asylum system does not exist, and it is subjecting many Afghans to a range of rights abuses including arbitrary arrests and detention.

Over the last 35 years, as Afghanistan has suffered repeated cycles of conflict, Iran's policies for Afghan asylum seekers in Iran have changed dramatically. From 1979 to 1992, the Iranian government automatically gave most Afghans entering Iran the right to remain indefinitely. From 1992 on, however, Iran began encouraging and pressuring Afghans to return to Afghanistan through various measures including the implementation of onerous procedures for renewing refugee papers, refusal to register newly arriving Afghans as refugees, and, increasingly, denial of public services to recognized refugees.

In the years immediately after the fall of the Taliban in 2001, a huge number of Afghans returned to Afghanistan from Iran and other countries, with an estimated 2.3 million people returning in 2002 alone. While some Afghans enthusiastically returned to their homeland, many others felt pressured to return by increasing hostility and abuse in both Iran and Pakistan. UNHCR reports that it has assisted almost 886,000 Afghan refugees in repatriating from Iran since 2002.

In 2001, the Iranian government announced that it had sealed its border with Afghanistan and that it was “practically impossible [for Iran] to accept new refugees.” In 2002, Human Rights Watch documented the Iranian government's refusal to register newly arriving Afghan asylum seekers, an approach that with a handful of exceptions – 16 in 2012 for example – continues to this day. Meanwhile, UNHCR documented a steady decline in the number of Afghans returning to Afghanistan beginning in 2008, a date that correlates with a significant decline in security in Afghanistan.

In 2003, Iran introduced a new system known as “Amayesh” (Persian for “logistics” or “preparation”) to re-register all Afghan nationals then in Iran who had been granted residency rights in Iran based simply on their Afghan nationality in the 1980s and 1990s. The vast majority of Afghans arriving in Iran since the registration exercise in 2003 have not been allowed to register for an Amayesh card.

Since 2003, UNHCR has considered Amayesh card holders to be registered refugees. Although some Iranian officials have said Amayesh card holders cannot be considered refugees under Iranian law, others have specifically referred to card holders as refugees. The Bureau of Alien and Foreign Immigrants' Affairs treats Amayesh card holders as de facto refugees.

UNHCR's official recognition of Amayesh cardholders as refugees is important for various reasons, including that it provides them with protection from termination of their refugee status by the Iranian government without good cause.

In practice, Amayesh card-holders face an increasingly complex and bureaucratic process with the Iranian authorities to retain their status, in which the smallest mistake can result in the permanent loss of refugee status. Amayesh card holders are regularly required to renew their cards. Since the original registration of several hundred thousand Afghans in 2003, there have been nine re-registration exercises with a different color card provided each time. The cards, which refugees must pay for, are generally valid for one year. When cards expire, the card holder is considered to be unlawfully present in Iran and may be deported. If a card holder fails to register for a new card as soon as the old card has expired, he or she becomes undocumented and is subject to deportation.

Hurdles making it difficult to retain refugee status include frequent re-registration requirements, a lack of assistance to help understand procedures which particularly affect people with limited literacy, and onerous fees which many poor refugees cannot afford. Human Rights Watch has documented instances in which registered Afghan refugees have lost their refugee status because the Iranian authorities imposed difficult and unclear bureaucratic hurdles relating to retention of their status or because the authorities encouraged them to forfeit that status in exchange for other types of status that ultimately gave them fewer rights or led to their deportation. [...]

If Iranian authorities detect Afghans without Amayesh cards, those authorities can swiftly deport them without allowing them either a right to appeal or a means to claim asylum. [...]

Following the introduction of the Amayesh system, the proportion of newly arriving Afghans lodging refugee claims dropped drastically. Afghans arriving in Iran today have virtually no opportunity to lodge refugee claims. Afghan asylum seekers should be able to lodge claims with Iran's BAFIA which operates under the Ministry of Interior and is charged under Iranian law with processing refugee claims. However, our research—in the absence of relevant, publically available official statistics—indicates it is a practical impossibility for the vast majority of newly arriving Afghans to lodge refugee claims. [...]

Another problem is that Afghans being deported from Iran are given no opportunity to challenge their deportation, such as by explaining that they previously had refugee status but lost it through no fault of their own, or that they were prevented from requesting asylum or protection. The Iranian government has also encouraged Amayesh card holders to give up their cards in return for a residency and work permit valid for one year, with a possibility to renew for at least another year. While it is within the Iranian government's prerogative to deport people who have relinquished their refugee status, it is not clear that refugees who have signed up to do this have been fully aware of the ramifications and have given their informed consent prior to agreeing to give up their refugee status. Given that Iranian authorities may decide not to renew the residency permits and deport the permit holders, this has grave implications for Afghans who continue to fear persecution in Afghanistan.

Iranian authorities have also sought to tighten their control of undocumented Afghans in Iran through a process in which Afghans are encouraged to register with the government. After they register, they must acquire a passport (if they do not already have one), an Iranian residency visa, and a work visa if they wish to work. Although Iran is well within its right to register and track undocumented nationals, it is important to note that

the process of acquiring the proper documents is both expensive and logistically difficult for many Afghans. More importantly, however, this regularization scheme, called the Comprehensive Regularization Plan (CRP), is no substitute for a system that would allow newly arriving Afghans to lodge refugee claims or to register directly for protection based on their nationality, as happened in 2003 with the one-off registration option under the Amayesh system. [...]

In addition to barriers to claiming asylum, Afghan refugees, asylum seekers, and others lawfully present in Iran face severe restrictions on freedom of movement, as well as arbitrary limits on access to education, employment, Iranian citizenship, and marriage rights. All Afghans and other foreign nationals are subject to travel restrictions in many areas of the country, and documented Afghans are restricted to working in specific professions, all of which are menial and many of which are dangerous. Afghan refugees are required to give up their refugee status prior to entering university and are barred from a variety of degree programs. Afghans without legal status face many difficulties in obtaining education for their children, with many children going uneducated or attending underground schools as a result. The Iranian government has made it difficult for many mixed Iranian/Afghan couples to marry, denies citizenship to Afghan husbands of Iranian women, and creates barriers to citizenship for the children of such couples.

Finally, both documented and undocumented Afghans experience a range of abuses, and many who are deported also face police abuse, including violence, theft, unreasonable deportation fees, forced labor during detention prior to deportation, and poor conditions in detention facilities. A particular concern is the lack of protection for unaccompanied migrant children in the deportation process. » Source: Human Rights Watch (HRW), Unwelcomed guests: Iran's violation of Afghan refugee and migrant rights, 20 novembre 2013, p.2-10: www.hrw.org/sites/default/files/reports/iran1113_forUpload_0.pdf.

Middle East Eye, 12 septembre 2017:

« Yazd, a city of almost half-a-million people, is located in a remote desert location in central Iran. It is recognised as a World Heritage Site by UNESCO for its Zoroastrian heritage and earthen architecture.

It also hosts thousands of Afghan refugees, who usually illegally live in the old town in abandoned houses made of mud and unbaked brick.

Mainly employed as bricklayers, sewer workers and porters, they are commonly the target of insults from locals, some of whom have organised several unofficial protests against them during the last few years.

The walls of the city centre are repeatedly littered with graffiti against the presence of the refugees, each signed with the same autograph: "Citizen of the neighbourhood."

A neighbourhood mullah from an Afghan Hazara background says: "We can't say that all the inhabitants of the city hate us. We share the same religious roots and have similar customs.

“But we live in a context of discrimination and segregation which allows extremists to do whatever they want against us without any risk of being punished.”

What happens in Yazd is not so different from what Afghan refugees face daily in every major Iranian urban centre.

Nearly four decades after the start of the big exile, the country shelters around three million refugees amid its 80 million population.

In May 2016, during a meeting with visiting Afghan President Ashraf Ghani in Tehran, Iran's leader Ayatollah Khamenei stressed that “unlike certain countries, such as the US and UK, the Islamic Republic of Iran has always treated the Afghan people with respect, brotherhood and hospitality”.

False claims

His declaration might be seen as a mockery by refugees born and raised in Iran. Unlike other minorities such as Kurds, Arabs or Balochi, Afghans can't obtain citizenship. Instead, they suffer an endless litany of discrimination which often pushes the younger generation to dream of reaching Europe and so turn to smugglers.

A report by Human Rights Watch from 2013 said Iran had in recent years limited legal avenues for Afghans to claim refugee or other immigration status in the country, even as conditions in Afghanistan worsened.

HRW added that the Iranian government had failed to take necessary steps to protect its Afghan population from violence linked to rising anti-foreigner sentiment in the country, or to hold those responsible accountable.

Being an Afghan refugee means you cannot own a car, a house, a bank account or a SIM card (unless through an Iranian third party). You cannot be an employer. You can be sacked at any moment.

A school principal decides whether or not a child refugee gets a place in their following academic year only when all the Iranians have been enrolled.

If an Afghan is stopped without documentation or residence permits, then they might be arrested and deported to areas of Afghanistan where there is a high and significant presence of the Islamic State group.

Afghans may also end up being sent to fight with the Iranian Revolutionary Guards in Syria. Many refugees do this to protect that country's “holy shrines”; also to secure a long-term residence permit or higher salary or bank account.

But even for those sent to the Syrian battlefield, many of these promises are never kept, reports say.

Jafar, 43, is a builder who moved to Isfahan from Afghanistan when he was a little boy. Over dinner he tells us his story.

"We are like aliens, strangers to both Iranians and people living in Afghanistan," he says. "We live with the anxiety of being deported or arrested or simply beaten in the streets just because some policeman doesn't like our face.[...]"

"Being an Afghan child in Iran might be the biggest challenge in the world," he says.

"Some examples? **You can't go swimming in some public pools - they will tell you that Afghans are dirty and pollute the water. At school, if you are lucky enough to have received the authorization to attend, teachers will encourage other students to do better than you, as it's not acceptable that an Afghan gets higher grades.**

"**Things will not change if you are so crazy as to go to university: you can choose what to study only from a small range of approved faculties.**

"**Then you must gain all the needed documents. From where? Afghanistan, of course!" Returning to Afghanistan for a refugee can be extremely dangerous.**

"At the end, if you are so lucky to survive the Taliban, Daesh, warlords and corrupted officers, you can obtain a visa, come back to Iran and start your academic career."

[...]

Finding the right smuggler to get out of Iran is tough. **Afghans are not allowed to move from one city to another without special permits released by the local authorities.** » Source: Middle East Eye, Afghans in Iran: No SIM card, no house, no rights, 12 septembre 2017: www.middleeasteye.net/in-depth/features/apartheid-being-afghan-iran-2007076995.

MoRR, 30 juin 2018:

« Historically, Afghans have always been on the move. More than 12 million, or more than one in three Afghans have been displaced internally or abroad during the last four decades due to conflict, natural hazards, disasters and the resulting socio-economic challenges.

Since 2002 over 7 million Afghans returned to Afghanistan including over 5.2 million assisted under UNHCR's facilitated return program. **In 2017 alone over 619,000 Afghans returned from the Islamic Republics of Iran and Pakistan. This includes almost 60,000 registered refugees that returned from Pakistan and Iran, 100,000 undocumented returnees from Pakistan, and over 450,000 undocumented returnees from the Islamic Republic of Iran.** [...]

Based on the Ministry of Refugees and Repatriation report, there are currently over 950,000 registered Afghan refugees with 'Amayesh' identification cards issued by the government of Iran living in Iran. 450,000 Afghan passport holders with Iranian and finally an estimated 1,000,000 million undocumented Afghans in Iran.

According to IOM socio-economic surveys conducted in Afghanistan, the vast majority of the caseload (mainly undocumented returnees) from Iran is composed of single males (90-95 per cent), with families making up only about 5 per cent. Unlike returns from Pakistan, 30-40 per cent of returnees from Iran are deportees. Although generally perceived as economic migrants, interviews with returnees and media reports have highlighted protection concerns for Afghans in detention or during their (often irregular) employment experience in Iran before their deportation to Afghanistan. IOM statistics indicated that

as many as 90 per cent of Afghans returned from Iran because of the alleged police harassment, and 4 per cent due to lack of livelihood opportunities.[6]

A particular group of concern among returnees from Iran are Unaccompanied Migrant Children (UMCs). Children as young as 12 years old up to 17 who are traveling without a guardian. Out of returnees from Iran assisted by IOM, UMCs make up the largest group amongst those with reported vulnerabilities. In 2016-17, IOM assisted over 8,000 UMCs at its Transit Centres in Herat and Nimroz. Further augmentation of specific protection assistance is necessary to ensure service provision to this population.

The GoIRA, IOM and other humanitarian partners currently target families and vulnerable persons such as single females, UMCs and emergency medical cases or about 10 per cent of the Iranian undocumented returnee caseload for humanitarian assistance. However, as screening and registration services are scaled up this percentage is expected to grow to upwards of 20 per cent. **Based on the trends of the last five years, it is anticipated that over 400,000 Afghans will return from Iran in 2018**, a population which is of growing interest to the international donor community given its perceived links with migratory flows to Europe.[...]

Repatriation from Iran begins with de-registration at the BAFIA Office in the province where refugees have been registered. This coincides with receiving a temporary exit permit (Laissez-Passer), to which all Afghans are entitled if they have valid Amayesh cards/valid LPs or can otherwise prove registration. After that, refugees must approach UNHCR offices in Iran including the VRC in Soleimankhani, and the UNHCR office at Dogharoun to receive a VRF based on which they will receive the voluntary repatriation cash grant and other services available in the Encashment Centres in Afghanistan. »

Source: Ministry of Refugees and Repatriation, Islamic Republic of Afghanistan, Return and Reintegration Response Plan - 2018, 30 juin 2018, p.3-7, <http://www.refworld.org/pdfid/5b2a46f74.pdf>.

Nasim Sadat Hosseini Divkolaye et al., 21 juillet 2017:

« Iran is the third country in the world with the highest number of registered refugees (1 million). **The majority of refugees came from Afghanistan but their health status has never been comprehensively determined.** UNHCR acknowledges that “refugee” or “migrant” have distinct and different meanings and “confusing them leads to problems for both populations”. They use “refugees” when people flee war or persecution across an international border and “migrants” when people move for reasons not included in the legal definition of a refugee. In compliance, this study refers to Afghan refugees as nationals of Afghanistan who left their country as a result of war or persecution; and, Afghan immigrants as those who choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. These terms are used interchangeably in some of the reviewed literature which ineluctably has been reflected in this manuscript. Evaluating the health needs of this population and assess their access to health services are necessary for health policymakers to develop and adopt appropriate strategies. Increasingly, this has become a major public health concern. As such, a systematic review of relevant studies including the culture profile, and health access and risks are required to better assess and respond to issues of prevention, preparedness, response and recovery. [...]

Over the past decade under the so-called Amayesh record system, the Iranian authorities have only allowed Afghans who arrived before 2001 and those who have been in Iran for a long time to register in the system and obtain legal residence. Afghans who have arrived after 2001 are now considered illegal immigrants. The latest registration (Amayesh XI) was completed in 2016.

Ninety-seven percent of Afghan refugees live in urban areas while 3% reside in settlements and camps run by the assistance of the government, UNHCR and foreign NGOs. The Afghan immigrant population is relatively young in Iran with a median age of 31 years. In compliance with the world trend, in 2015 less than half of the international immigrants in Iran were women (47%).¹ One-third of immigrants (32.7%) resided in Tehran, 13.3% in Khorasan Razavi (Mashhad), 11.7% in Isfahan, 9.3% in Sistan & Baluchistan, and the remainder in other provinces.

A survey performed among registered Afghan employees in 2006, found that low educational attainments characterized the surveyed Afghan population. Thirty-one per cent of the population aged six and above in this sample were uneducated (women 36%, men 26%) and 50% had completed only primary or secondary school education. The average household size of Afghan population in Iran is 5.6 persons. About 80% of Afghans work in four sectors - manufacturing, construction, trade, and commerce. Less than 3% of the Afghan employees had written contracts and more than 99% of Afghan employees did not have any type of work-related insurance (accident, unemployment and retirement insurance) and only 5% were entitled to paid annual or sick leave. The majority of households (83%) live in rented houses. The main reason for their immigration was escaping from war and insecurity.

In 2013-2014, more than 350,000 Afghan refugee children were registered in Iranian schools,⁹ while some 48,000 undocumented Afghan children were allowed to enroll for the first time in Iranian public schools in 2015. [...]

Access to Health Services

Refugees have special health needs. Their fragile situation which arises from the experiences they had in their homeland and difficulties they may encounter in the host country put them at risk for developing mental and physical disorders. Improving the access to health services of this population not only is an essential human right but also has major benefits for the population as a whole.

There is scant of evidence in Iran regarding the use of health care services by Afghan immigrants and asylum seekers. According to a UNHCR report, during the past three decades, Afghan refugees have had access to basic health care, education, and employment opportunities. However, the financial constraints and lack of international support has always been a main barrier for the government to comprehensively take necessary actions. In 2014, through a joint collaboration of a private insurance company, UNHCR and Ministry of Interior, more than 220,000 vulnerable Afghan refugees including 2000 refugees with special diseases (Hemophilia, Thalassemia, Dialysis, Kidney Transplant and Multiple Sclerosis) were provided insurance services. The Government and UNHCR also provided primary health care in 15 settlements, camps and 29 urban locations.

*In addition, since 2016, Iran has started to enroll all registered Afghan refugees (more than 950,000) under Public Health Insurance. The refugees will benefit from a health insurance package for hospitalization identical to the scheme available to Iranian nationals. The insurance covers entire treatment expenses for people with special diseases and vulnerable groups (families who have patients with incurable disease or mental/physical disabilities, children of Iranian widows who married Afghan nationals, female-headed households, families who have nine or more children, poor people, the households whose their head is not able to work due to the medical conditions or disability, Afghan nationals who married Iranian women, the head of households with 65 or more years old, unmarried men and women with more than 75 and 18 years old). As of October 2016, more than 250,000 foreign nationals have been covered under this insurance. The initiative took place when a tripartite memorandum of understanding was signed between Ministry of Labor, Ministry of Health and Ministry of Interior in 2015. **The beneficiaries of this scheme provide a contribution to the funding; however the Government of Iran covers half of the real monthly costs of the insurance premium.** This is further complemented by a UNHCR contribution of 8.3 million USD for this six month period by primarily focusing on vulnerable refugees.*

In 2008, the Executive Director of the United Nations Office on Drugs and Crime (UNODC) and the Deputy Secretary General of the Islamic Republic of Iran's Drug Control Headquarters signed an agreement to provide HIV prevention and care services to Afghan refugees and female drug users in Iran. These services were launched through funding from the Government of the Netherlands.

However, the situation of unregistered Afghans remains unclear. Basically, undocumented Afghans cannot register for health insurance and therefore have limited access to the public health service. According to an independent body's report unregistered Afghans are able to obtain treatment at private health institutions, but they must pay for the treatment from private funds. They can also benefit from the free health services provided by some NGOs and charities or on an individual basis.

Barriers to Access to Health Services

The illegal status of almost 1.5 million Afghan immigrants prevents them to access to health insurance and consequently limits their access to health services. This situation gets worse considering a large number of illegal afghan immigrants work in hard and hazardous jobs such as the construction sector where the risk of injuries is relatively high. Additionally, more than 99% of Afghan employees do not have any type of work-related insurance.

*In a literature-review study conducted in 2015, the authors categorized the **barriers to health care for undocumented immigrants in three levels: the problems that exist in laws and policies of destination countries including limitations to access and type of health care, the barriers within health system that included bureaucratic obstacles including paperwork and registration systems and finally the hindrance that exists at the individual level focused on the immigrant's fear of deportation, stigma, and lack of capital (both social and financial) to obtain services.***

*A large number of Afghan refugees and immigrants in need of health care in Iran are among poor and economically vulnerable groups. Many refugees and immigrants struggle to find work and often take jobs with low wages. **According to one survey, Iranian workers benefit from 10-23% higher wages compared to Afghans. This inability to pay and lack of a comprehensive health insurance have led to the late self-referral of immigrants/refugees to health care services when the disease is in advanced stages.** In one study completed among Afghan refugees to detect their common kidney diseases, it was found that due to the cost of medical visits or medications, the most common health referral for Afghans was end-stage renal disease (ESRD). Language barriers and lack of communication are mentioned by several studies as the main obstacles to refugee health care access worldwide, is not the case for Afghan immigrants in Iran. [...]*

*Unfortunately, **there is a gap between evidence and policies in Iran. The government has not yet formulated a comprehensive policy to address the different health risks and needs of the immigrants.** Considering the health and financial burden of immigrants on the host country, exclusion of immigrants from health services is not a wise approach both in terms of public health as well as human rights. Although the current initiative of the government to provide health insurance for registered Afghans was a big step forward, the plan has some major deficiencies. Firstly, the way to deal with the health needs of 1.5 million unregistered Afghan is still under question. This gains importance knowing that immigrants whose legal situations has not yet determined are significantly at higher risks of contracting disease and in developing mental health problems due to their living situations. Secondly, the plan entails the financial support of external donors which has always been a controversial issue.*

*As a part of the implemented policies, the Iranian government has put much attention on repatriation policies. **From 2002 to 2014, the number of Afghan refugees who returned to their homeland voluntarily was 920,161.** However, repatriation should not be considered as a single policy. Given the complex process of migration and its health consideration at multiple phases (pre-departure, travel, Destination, Interception and return phases), dealing with this problem needs a long-term, multi-sectorial approach (collaboration between government, intergovernmental organizations and civil society).*

Currently by the joint initiative of Afghanistan, Iran, Pakistan and UNHCR, a Solution Strategy for Afghan Refugees (SSAR) was developed to find and implement a comprehensive solution for Afghan refugees in the region. The SSAR also seeks to improve access to health services and support from the Iranian government to this end by contribution of several partners such as governmental and international organizations, NGOs and civil society. Failing to address to the situation of undocumented immigrants, SSAR encompasses the same flaws as government's insurance plan. In addition, the health solution strategies are relatively scant compared to those that addressed the education and skill training of refugees.

Given the significant threats posed by limits on illegal immigrants' access to Iranian health system, formulation of a comprehensive and uniform strategy addressing health care needs of illegal immigrants is necessary. The current approach of the government is ignoring the problem of huge number of illegal immigrants which as stated above is not a wise approach.

The government should be persuaded to change its current legislation on illegal migration. As a part of this policy, it is recommended to extend the time needed for accepting the legal status

of refugees (currently the refugees who came before 2001 are allowed to apply for legal authorization). In this context, the existence of strong civil society and NGOs to push the government to change its approach is crucial. » Source: Nasim Sadat Hosseini Divkolaye et al., The Enduring Health Challenges of Afghan Immigrants and Refugees in Iran: A Systematic Review, 21 juillet 2017: www.ncbi.nlm.nih.gov/pmc/articles/PMC5554007/.

NRC, janvier 2017:

« *The Islamic Republic of Iran has been hosting Afghan refugees for close to four decades. Many Afghan children residing in the country have faced challenges and barriers to access the Iranian education system. The Iranian Government estimates that around 1.5 to 2 million undocumented Afghans reside in the country. Although their stay in the country is considered illegal by the Iranian Government, many families are largely tolerated. **Following a decree by the Iranian Supreme Leader in May 2015, which indicated that all Afghan children should have access to public education regardless of their legal status, the Government has started the gradual registration of undocumented children. As a result of the decree, some 48,000 new children were enrolled in school during the past academic year. [...]***

On May 17, 2015, the Iranian Supreme Leader's decree was made public, indicating that: "No Afghan child, even those who illegally live in Iran without documentation, should be deprived of education. They should all be enrolled in Iranian schools." [...]

In 2015 and after the Supreme Leader's decree, a five-day deadline was announced for undocumented Afghan children to obtain their "blue cards" and/or introduction letters issued by Kefalat offices (public service offices operating under the supervision of BAFIA). Later, undocumented children were introduced to healthcare centres for immunization, screening, and vaccination.

In a later move, BAFIA published an internal directive clarifying that all undocumented Afghans whose children are enrolled in school are safe from deportation. Based on figures reported by the MoE, 360,000 Afghan children were studying in Iran's primary and secondary schools during the 2015-2016 academic year. After the Supreme Leader's decree, an estimated 48,000 undocumented children gained access to public schools, which makes for a total of 408,000 students.

*The Supreme Leader's decree (supported in practice with the 2016 directive) removes theoretically all legal barriers to Afghan children's right to education. Prior to that, the relevant laws did not officially recognize the right as such, and in some instances hindered its realization; in particular, when considering undocumented Afghan children. **This new legal situation provides opportunities and legal backing for the realization of the right to safe and affordable schooling for Afghan Children, regardless of documentation status. However, some non-legal barriers (political, administrative, economical, physical) do remain, which obstruct the full and effective realization of this right across Iran. These barriers are briefly studied in the following sections.***

Political and education policy barriers:

- *All government institutions in the Islamic Republic of Iran are obliged to enact the Supreme Leader's decree, however, in the months between the Supreme Leader's decree (2015) and the ratification of the new directive (2016), many governmental bodies still cited the directive passed in 2004.*
- *The current directives from the decree have not being fully understood by the implementers at provincial and schools level.*
- *Discrepancies in the roll-out and in implementation of the directive depending of the provinces -in Kerman for instance, the BAFIA issued a specific provincial circular stating that Afghan families must pay "contribution fees" to access primary public education.*
- *Lack of information about the enrolment process in public schools, especially the enrolment's limited timeframe (5 days in July 2016) and administrative requirements.*

Financial and socioeconomic barriers:

Major barriers are of financial nature, on one hand the MoE has not the budget to cover all public schools running costs, on the other hand vulnerable Afghan families cannot afford the cost related to accessing public education (e.g. insurance; uniforms; contribution to school cost; health tests; etc.)

Limited MoE budget

- *The Budget for the MoE in the current Persian calendar year (2016-2017) was approximately 28 trillion Toman (roughly \$7b).*
- *According to the MoE, 99% of its budget is used to pay staff' salaries.*
- *The remaining 1% is spent on other expenditures, including per capita student costs.*
- *Average per capita costs for each student (Iranian/non-Iranian) in government schools is between 2 to 2.2 million Toman (approximately \$500) per year.*
- *Given the number of foreign students in the 2016-2017 school year, i.e. more than 400,000, the schooling of Afghan students costs about 850 billion Toman (\$212,500,000) per year⁹;*
- *In order to compensate the MoE's budget deficit, school "contribution" fees are requested from all students, including Afghans.*

Afghan students' challenges

- *Transportation cost*
- *School "contribution" fees*
- *Books and uniforms Afghans are required to get to enrol in schools*

- *Child labourers who cannot adapt their working hours to attend school.*

Physical barriers:

- *MoE schools lack of intake capacity to enrol additional Afghan children.*
- *High number of overaged Afghan children who cannot directly be enrolled in public schools.*
- *No access to pre-school for Afghan children, leading in major gaps in cognitive skills between Iranian and Afghan children.*

Legal and protection issues:

- *Lack of information for undocumented Afghan families about the possibility for them to enrol their children and the procedure to do so.*
- *Lack of civil documentation such as tazkera or inaccurate documentations such as expired visas (e.g. children from mixed marriages).*
- *Early marriages of Afghan girls.*

Education system barriers:

- *Lack of access to technical and vocational trainings in secondary schools.*
- *Lack of homework support for Afghan children especially in families with illiterate parents.*
- *Lack of access to professional social workers in school who are familiar with Afghan community culture and traditions.*
- *Iranian teachers have no sufficient training to deal with education and psycho social needs of Afghan children.* » Source: Norwegian Refugee Council (NRC), Afghan Children's Access to Education in Iran - What happened after the Supreme Leader's Decree?, janvier 2017, p.1-5: <https://d3gxp3iknbs7bs.cloudfront.net/attachments/e821bf7c-2036-470d-8ee0-9325f4cd9634.pdf>.

Refugees Deeply, 7 juillet 2018:

*« As doors close to Afghan refugees around the globe, **1 million Afghan children face an uncertain future in Iran. Some have rights and public sympathy, others face deportation and discrimination**, reports Fariba Nawa in this photo essay with an Iranian photographer. [...]*

Iran and Afghanistan share a 582-mile (937km) border, a common language in Farsi and plenty of cultural similarities. Many Afghans have lived as refugees in Iran for up to four decades as

Afghanistan's wars rage on. Iran has opened up services like health and education to refugees, but many Afghans still face racism and discrimination. Without citizenship, which can only be passed through Iranian fathers, they live a precarious existence.

Many older Afghans, having survived war, poverty and injustice, have pinned their hopes on a better future for their children. This future often depends on their parents' socioeconomic class, longevity in Iran and ability to navigate Iranian laws and bureaucracy.

About 1 million Afghans in Iran have residency permits that must be renewed annually for a small fee. The card gives them the right to stay in Iran, as well as free education for their children and subsidized health insurance. They can work in specific fields – but not the civil service – and have limited rights to own property.

Iran officially stopped distributing residency cards to new refugees in 2007. Approximately 2 million Afghans live in Iran without papers, at risk of deportation and exploitation. However, since 2015, Iran has also given undocumented refugees the right to an education. This school year, 77,000 undocumented Afghan children registered for school, according to the United Nations refugee agency.

Finding loopholes and Iranian allies who'll put a house or business in their name are the only ways to build a life in Iran, said one Afghan businessman in Mashad, who requested anonymity because he fears arrest or deportation for speaking to the press. He has lived in the city for 22 years, has Iranian residency and owns a business and a home – but they're in the name of Iranian friends, to whom he gives a share of his profits.

"You have to play the system for your children to get an education. I've stood in lines, paid bribes, filled out dozens of documents and begged teachers and principals so that my kids could be enrolled in a government school," said the father of four.

His two eldest daughters married Afghan men in Europe and the United States and he said he's working hard for his 15-year-old son and 10-year-old daughter to become educated Afghans in Iran.

"No matter how much money we have, our lives are valued less here. Without citizenship rights, doors to opportunity are closed. That's why so many Afghans are heading to Turkey."

But the doors to Afghan refugees are closing across the globe. Despite rising violence in Afghanistan, fewer Afghans are being granted asylum in Europe. **At least 242,500 Afghans have returned home from Iran this year** and 12,200 left Pakistan, **many under pressure from authorities**. Nearly 30,000 Afghans crossed into Turkey from Iran earlier this year, but at least 7,000 were later deported to Afghanistan.

"Afghans are being told to go back to their country. Where are they going to go? The world believes the war is over in Afghanistan. It's not. The world needs to understand we can't send children to a country to be killed," said Saeed Hasanzadeh, an Istanbul-based Iranian youth activist who used to work with an Iranian NGO that supports Afghan refugee children.

Iranian officials have said they should be lauded for their management of such a large refugee

population for four decades despite their ailing economy. Even former supporters of the Iranian government have demonstrated against unemployment and corruption in the last year.

Aid workers say that Iran has invested much more in Afghan refugees, with much less international aid, than other host countries. Yet while Afghan children now have better schooling and healthcare, others have been deported or recruited to fight in Syria.

In the capital Tehran, Afghan children may go to school but some also work alongside their parents in construction, agriculture, garbage collection and carpet-weaving. Official statistics are unavailable but on the streets of Tehran, Afghan children are visibly working on almost every major thoroughfare.

“Parents need money to feed their kids, and that’s why they’ll send their kids to work instead of school. In some families, all four or five children have to work to make ends meet,” said Hasanzadeh, the Iranian activist. **Afghan children working in the black market are often exposed to physical and sexual abuse, drug addiction and deportation, he said.**

Iran’s Bureau for Aliens and Foreign Immigrants’ Affairs, the government agency that handles refugee issues, declined to comment over the phone on Iranian refugee policy. United Nations agencies and foreign aid organizations are hesitant to speak to the press, fearing repercussions from the Iranian government. Foreign aid agencies work under close government supervision.

Dawood Alizada, Neda’s distraught father, is trying to move on for the sake of his other children – four boys and two girls, all under the age of 10. The family of 10 fled Farah province in western Afghanistan four years ago because of clashes between insurgents and the government.

Alizada said his wife Razia is suffering from memory loss after the killing of her daughter. Neda’s younger sister demands that the family dig up her body and brings her home. Alizada, the family breadwinner, bursts into tears when he goes to work digging water wells.

Only two of their boys go to Iranian government-funded schools for refugees. The family is in debt and struggling. The Afghan consulate in Iran gave them \$500 after the funeral, but they still don’t have enough money to relocate to another city. Alizada fears that if the killer is hanged, his family might retaliate against them.

“We want justice, but that could cost us our safety here. Our lives aren’t worth the same as an Iranian’s,” he said. » Source: Refugees Deeply, The Precarious Lives of Afghan Children in Iran, 7 juillet 2018: www.newsdeeply.com/refugees/articles/2018/06/07/the-precarious-lives-of-afghan-children-in-iran

Refugees Deeply, 27 juillet 2017:

« Iran has been lauded for providing free healthcare or subsidized insurance to many Afghan refugees. **Yet some 2 million undocumented Afghans have no such benefits and live in fear of debt and deportation.**

It was Shaghayegh Amiry's first pregnancy. She was swollen and uncomfortable but, more urgently, she was struggling to pay her medical bills.

Born in Tehran 28 years ago, Amiry is an undocumented Afghan refugee in Iran, the daughter of Afghans who fled war in the country. Amiry said she used to have a legal residency card, but a computer glitch in the Iranian system erased her name about 14 years ago. Now, like an estimated 2 million other undocumented refugees in Iran, Amiry has no access to benefits.

Those benefits include the government-subsidized health insurance, Salamat, which Iran made available to Afghans more than a year ago. For about \$12 a year, Afghan refugees with an "Amayesh" residency card – Iran's registration system for Afghan nationals – get a big break on their medical bills.

About 110,000 Afghans who are in the greatest need, including widowed women, seniors and the disabled, receive free healthcare from the government, with financial support from the U.N. High Commissioner for Refugees (UNHCR).

Better-off Afghans who are able to pay the annual fee have access to public hospitals and private health institutions that accept Salamat insurance.

For pregnant women, this insurance covers the cost of monthly checkups, supplements and delivery, but some patients have had to pay extra for ultrasound or blood tests in full.

In Debt and Afraid

*One aid worker in Tehran who did not want her name published said that **undocumented Afghans are scared to go to hospitals. Even pregnant women are technically liable for deportation if they don't have documents.***

"Those without registration are afraid that accessing medical services may have repercussions with the government," the aid worker said.

*Even registered refugees struggle to pay **\$12 a year for each member of the family**, who must all be covered under the insurance, she said. "It's a substantial investment for Afghan households."*

"We've had the experience of working with Afghan refugees for 40 years, and there was a dire need for help with maternal health, sanitation and illnesses among these refugees," said Mohammad Ali Salehi, the deputy director of Iran's Bureau for Aliens and Foreign Immigrants' Affairs. "Many women used to give birth at home, and now they have doctors and hospitals available to them," he said, referring to registered refugees who now have access to insurance.

*The UNHCR praised Iran in March for its "exemplary" efforts to provide services to Afghans and Iraqis. But **only about 950,000 Afghans are legal in Iran**. The majority, like Amiry, have learned to live on the margins. **Undocumented expecting mothers usually borrow money from relatives or friends to cover healthcare costs, or they give birth at home with the help of midwives.***

Dozens of Afghan women, who generally have more children than Iranian women, have died from childbirth in Iran in the last 10 years, according to health experts in Tehran.

*Tens of thousands of Afghans have crossed into Turkey and taken boats to Greece in recent years – more than 42,000 Afghans made the risky Mediterranean voyage in 2016. Meanwhile, **Iran has stepped up deportation of undocumented Afghans, aiming to return 600,000 people to Afghanistan this year.***

***Every few years since the wars in Afghanistan began in 1978, Iran has allowed undocumented Afghans to apply for residency, but there is a severe backlog in applications.** Amiry said she has tried to reapply for her residency card, putting her name on the long waitlist of undocumented refugees. Priority is given to refugees whose spouses have cards or are Iranian. Fortunately, Amiry's Afghan husband is documented and has applied for his wife and newborn son to become legal.*

Whether registered or not, Afghans living in Iran face abuse and discrimination, including police harassment and racial slurs, particularly against ethnic Hazara Afghans who look different to most Iranians. Several Afghans interviewed for this article declined to give their names citing fear of the Iranian government.

In 2013, Human Rights Watch published a report detailing the lack of a functioning asylum system in Iran and abuses of refugees, including arbitrary detention.

"We faced considerable pressure from UNHCR over this report, including them urging us not to write it at all," said Heather Barr, a Human Rights Watch researcher and the co-author of the report. She believes the U.N. and other aid organizations are careful not to criticize Iran out of fear of running afoul of the government and being prevented from continuing their work with refugees. The UNHCR was not available for comment by the time of this article's publication.

A Little Dignity

Despite deportations and harassment, Iran's official refugee policies in the past few years have been widely praised and have made life a little more bearable for the refugees that do benefit from them.

In 2015, Iran's Supreme Leader Ali Khamenei made a historic announcement that every Afghan child, with or without residency, had the right to an education. About 15,000 new classrooms were built to house excited Afghan children in public schools. Soon after, the government made health insurance accessible to refugees.

Some analysts see a political motive behind Iran's policies. The country shares a 1,000-mile (1,609-km) border with Afghanistan, where Afghans cross daily both illegally and legally, and has a long-running dispute with their neighbor over use of water resources. "These incentives were meant to encourage an exchange: Iran gives Afghan refugees rights with the expectation that Afghanistan should give Iran access to waters from its rivers," a former Afghan government representative in Iran said.

Whatever the motive, these benefits are a lifeline for many Afghans.

Zahra Dil is six months pregnant with her third child, 11 years after her last child was born. She's an Afghan homemaker and her husband has worked construction jobs for the last 16 years they've been in Iran. The family barely ekes out a living with his fluctuating income, but they do have residency cards.

Dil, 37, said the government gave her free birth control, an intrauterine device or IUD. They could only afford two children, but she became pregnant during the two-month waiting period when she removed her IUD. Unplanned pregnancies are especially difficult in a country in which abortion is illegal unless a doctor says the mother is in medical danger without it.

The couple were worried about delivery expenses so they borrowed money to buy insurance. Even with the insurance, Dil, a diabetic, said the fees for the blood tests and ultrasounds are sending them into deeper debt. It's costing Dil and her husband more money to have their third baby than their firstborn 16 years ago because of inflation, which has topped 10 percent for most of the past three decades in Iran.

Still, Dil said she's grateful for the financial discount the insurance gives Afghan families. Since Khamenei's declaration about Afghans in 2015, Dil said she has noticed a difference in Iranian attitudes toward Afghans in her daily life.

"They're doing more for us. They have accepted the kids in school. They have finally accepted that we're a part of this country because we have nowhere else to go," said Dil, speaking from a relative's house where she has access to the internet, which she can't afford on her phone.

"There are Iranians who are ignorant and they treat us badly, but those who know our troubles treat us with respect and dignity." » Source: Refugees Deeply, Pregnant Afghans Grapple with Iran's 'Exemplary' Refugee Healthcare, 27 juillet 2017: www.newsdeeply.com/refugees/articles/2017/07/27/pregnant-afghans-grapple-with-irans-exemplary-refugee-healthcare.

Salaam Times, 15 septembre 2017:

« Iran is sending Afghan refugees to fight in the Syrian war in return for money and a promise of an Iranian residency permit, say some refugees who have returned to Afghanistan from Iran.

Mohammad Ali, 25, returned home to Afghanistan last year after fighting in Syria.

*"Two years ago, I went to Iran because of unemployment," he told Salaam Times. "I was introduced to an Iranian man whose help I sought in finding work. He introduced me to the **[Islamic] Revolutionary Guards [Corps] (IRGC) so that I could fight in the Syrian war. I could earn a living and live in Iran legally.**"*

*An IRGC commander -- whose name Ali could not recall -- encouraged him to **go to war in return for a monthly income equal to 54,000 AFN (\$787), as well as a promise of permanent residency and housing from the Iranian government.***

Ali said he accepted the offer since at the time he saw no better options. After hearing about

the deaths of four of his Afghan companions in Damascus, however, Ali said he no longer wanted to receive Iranian residency or keep fighting in Syria. Instead, he returned to Afghanistan.

"They deploy Afghan nationals on the front line, even though they lack combat training," he said, adding, "This is the reason why many Afghans have been killed in Syria."

Notably, Ali Jafari, an Afghan commander of the Fatemiyoun Brigade, an Iran-backed Afghan militia, was reported killed in Syria in July.

Brothers lost in Syria

Another Afghan citizen, who requested anonymity, told Salaam Times that after two years of unsuccessful job searching in Kabul, his brother went to Iran in search of employment. Once his brother was in Iran, the government sent him to fight in the Syrian war, said the Afghan.

His brother, 38, has four children and he went to fight in Syria "out of ultimate desperation", he said, adding that his brother has sent his family some money.

"Neither my brother, nor his wife, nor we wanted him to go fight in Syria," he said. "Now we are constantly worried about the possibility of him getting killed in war, leaving his children fatherless."

Kabul resident Mohammad Reza, 20, said it has been three years since he last heard from his 35-year-old brother, who used to work in Iran.

"Last time I spoke with him was three years ago, at which time he said that he was going to fight in Syria for a short time," Reza told Salaam Times. "He also said that he was planning to take the entire family with him to Iran once he returned from war. Since then, however, no one has heard of him."

Reza said his family is sick with worry and sorrow over the absence of his brother, fearing the worst -- that he was killed in the Syrian war or captured by insurgents.

'Mercilessly taking advantage'

Figures vary on the number of Afghans living in Iran. According to the UN High Commissioner for Refugees (UNHCR), 951,142 registered Afghan citizens were living in Iran as of February 2016. Although some Afghan refugees have fled violence and insecurity at home in recent years, most were born and raised in Iran since the Saur Revolution in April 1978.

The Iranian Ministry of Interior in 2015 said the number of Afghans living in Iran could be as high as 2.5 million, comprised of refugees counted by the UNHCR, Iranian visa holders and those who entered the country illegally.

The Fatemiyoun Brigade has about 20,000 fighters, according to Iranian media, and has suffered the largest losses among the various IRGC-backed militias fighting in Syria, according to other media reports.

However, there are no official or precise statistics on the number of Afghan citizens fighting in Syria or the number of Afghan casualties.

The Afghan nationals who make up the Fatemiyoun Brigade are sent to the front line, where, according to military observers, they rapidly become cannon fodder because they lack training.

"Iran is mercilessly taking advantage of refugees who go to work in that country, sending them over to fight in the war," Gen. (ret.) Atiqullah Amarkhil, a former Afghan army commander living in Kabul, told Salaam Times.

'Abyss of death'

Iran is attempting to create sectarian strife in the region, said Ghulam Rasul, a law student at Kabul University.

"From time to time, the Iranian government threatens our government by issuing a warning to deport Afghan refugees from Iran," he told Salaam Times. "At other times, it takes advantage of our people's desperation and sends them to the abyss of death."

In the long term, Iran sending Afghans to fight in Syria will create strife and animosity among followers of various sects in Afghanistan and will cause Afghans to become enemies of the Syrian people, he said.

Another negative impact of Iran's meddling in the region is that these Afghans -- if they are not killed in war -- will return home knowing nothing but war and fighting, Amarkhil said, adding that their future prospects will be slim as the Afghan army will not take untrained fighters.

"People are accepted in the army only after passing multiple screenings," said Gen. Dawlat Waziri, a spokesman for the Afghan Defence Ministry, without commenting about Iran sending Afghan refugees to fight in the Syrian war. » Source: Salaam Times, Afghan refugees sent to Syria war speak out against Iran, 15 septembre 2017: http://afghanistan.asia-news.com/en_GB/articles/cnmi_st/features/2017/09/15/feature-01.

Swedish Migration Agency, 10 avril 2018:

« The Islamic Republic of Iran has for decades been a host country for an Afghan refugee population. Today, Iran is hosting approximately 950 000 Afghan refugees with assistance from UNHCR. **These refugees are holders of amayesh-cards, granting them legal residency and basic social services in Iran. In addition to this registered group, there is a significant number of Afghan citizens residing and working illegally in the country. Furthermore, there are also around 620 000 Afghan citizens in Iran holding temporary permits, like work or student visas, for their stay in the country.**

The main focus of the Iranian government has for many years been the voluntary return of the registered Afghans, but in recent years there has been a shift in their practical stance. There have been new progressive developments for the Afghan population living in Iran enabling them to become better prepared for future repatriation as well as better equipped for contribution to the Iranian society while living there.

*This practical shift has partly been brought about by realities on the ground in Afghanistan as the precarious security situation there means that there is currently no sustainable return for all the Afghans from Iran. **The positive developments for Afghans in Iran does not only include the amayesh registered population but also Afghans residing illegally in the country.** Since an educational decree was issued by the Supreme Leader in Iran in 2015 all Afghan children in the country have the right to free basic education. Furthermore, **in 2017 the government initiated a headcount exercise that by mid-September had covered around 800 000 illegal residents in the country, most of them Afghans. Participating in the headcount implies the possibility of being protected from deportation for the time being. No one knows the end state yet of this headcount exercise, but it may eventually open up for the head counted to get their stay in Iran regularized through temporary visas, as was the case with a previous programme launched in 2010 called the Comprehensive Regularization Plan.***

*Even though there have been progressive developments for Afghans in Iran during recent years, **there are still plenty of hardships faced by many of the Afghans living in the country. Afghans are still subjected to a number of restrictions in areas like work, higher education, ownership of property and freedom of movement. It also remains a fact, that in spite of the headcount and other positive developments for the unregistered Afghans, a huge number of Afghans are still being deported from Iran every year.***

*These hardships faced by Afghans in Iran as well as the uncertainty regarding the future both in Iran and in the homeland still generates secondary movements of Afghans towards Europe, especially among the least integrated Afghans in Iran, although the number has decreased since the great migration wave in 2015. » Source: Swedish Migration Agency, Lifosrapport: Afghaner i Iran (version 3.0). 10 avril 2018, p.4:
www.ecoi.net/en/file/local/1430782/1788_1524738296_1004.pdf.*

Tehran Times, 28 mai 2018:

« Speaking to a few reporters, Turk said Iran has done an exemplary job integrating Afghan refugees into its society and educational system. Turk was in Tehran to hold talks with authorities including deputy foreign minister and deputy interior minister over the matter of refugees in Iran. [...]

At the moment, we have about 970,000 refugees with Amayesh cards, mostly Afghans, but there are also two million undocumented Afghans. We don't know exactly their number. It could be 1.5 to 2 million, based on the head count by Iranian authorities.

It is also important to bear in mind what Iran has been doing. First of all, they have allowed over 400,000 school-aged refugee children to have access to the national education system, including primary, secondary and tertiary education. They have also allowed access to services like healthcare insurance to Afghans, mostly the vulnerable ones. It has been important for us to feed the observation from Iran back into the global process.

The purpose of discussions taking place now is about responsibility sharing because refugees are an issue of international concern and we need to realize that it is not just a few host

countries doing it all like Jordan, Iran, Turkey and Pakistan. It really involves every member state of the UN. We want to bring the message back from the major host countries what it means to host refugees for many years.

The floor was then open to questions and answers and below are some of them:

Q. What was the nature of your discussions with Iranian officials?

A. The discussions were about the global compact on refugees. It was very constructive to see Iran's experience in this context. In some situations in a country you have a parallel system. You have a camp based system where refugees are almost warehoused and they have no integration into the housing system and education. **For years, however, Iran has practiced an inclusive approach, because it has recognized that it doesn't help the manage maintenance in camps, which is happening in most countries in the world.** However, they need support and it is important for us to voice that and have their voice heard. Because of this global debate, we hope to create more awareness about global refugees in Iran and draw more support to Iran.[...]

So a couple of years ago we launched together with the Afghan, Iranian and Pakistani governments a solution strategy for Afghan refugees. As a result of this global debate, we hope to revitalize that. We are also aware that the security situation in Afghanistan has not necessarily improved. We have seen a deterioration in security there which is why the example of Iran is such an important one. It is almost like investment in the Afghan refugee population, which serves the interest of the people first, and helps also to build up their own countries in the future until they can return. But it also serves the host society as they contribute to the host country as Afghans working here, and they are a resilient community. Iran has adopted a very wise approach of how to handle refugees in difficult situations. We hope that despite the changing geopolitics, we continue to emphasize the great achievements by Iran. » Source: Tehran Times, UNHCR: More credit warranted for Iran's hosting of refugees, 28 mai 2018: www.tehrantimes.com/news/424042/UNHCR-More-credit-warranted-for-Iran-s-hosting-of-refugees.

UNHCR, 27 juillet 2018:

« In spite of socio-economic challenges, the Islamic Republic of Iran continues to host refugees and has also implemented progressive refugee policies especially in the areas of health and education: some 125,000 are now registered under the Universal Public Health Insurance scheme, which gives them access to the same level of services as Iranian nationals. Over 420,000 refugee children are enrolled in government primary and secondary schools. **A head-count exercise targeting undocumented groups was initiated in 2017 as a step toward regularization, during which some 800,000 Afghans were pre-identified. Opportunities for resettlement and voluntary repatriation remained limited. While the Government has stated that voluntary repatriation is the preferred solution, due to the prevailing security conditions in Afghanistan, the number of refugees opting to return remain modest. It is expected that the Government will continue to respect the principle of voluntary return.** The Government has been calling for an equitable responsibility and burden sharing. Absence of such enhanced support may have adverse effects on progressive policies towards refugees and migrants in Iran. » Source: UNHCR, 2017 End-year report, Subregion: South-West Asia,

27 juillet 2018, p.3: <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GR2017-South-WestAsia-eng.pdf>.

UNHCR, 4 mai 2018:

« Construction worker Najaf Ali Akhoondi feared the worst when his 16-year-old daughter Morsal was diagnosed with a serious kidney condition. The Afghan refugee family, who live in the Tehran suburbs, knew treatment would be expensive and his meagre earnings could not cover the costs.

The doctor who examined Morsal said she had been born with only one kidney and it had stopped functioning because of a severe infection. She needed three sessions of dialysis a week and the family could only afford two.

*“I was losing my young daughter,” Najaf Ali said. “She was suffering in front of my eyes.” He contacted the Tehran field office of UNHCR, the UN Refugee Agency, to request assistance with his daughter’s medical expenses, **and the family was enrolled in a groundbreaking medical insurance scheme launched by the Iranian government in 2015.** “She feels better, so we all feel better.” Morsal was able to have dialysis three times a week in a medical facility close to her home. “She feels better ... so ... we all feel better,” says her father.*

The Universal Public Health Insurance (UPHI) programme enables Afghan and Iraqi refugees in Iran to benefit from health insurance similar to that enjoyed by Iranian nationals, including hospital treatment, out-patient care such as x-rays, and medication costs.

Supported by UNHCR, the initiative is administered through an agreement between UNHCR, the Bureau for Aliens and Foreign Immigrants Affairs of the interior ministry, the ministry of health and the Iran Health Insurance Organisation.

The programme is the outcome of a long-standing partnership between UNHCR and the Iranian government to complement government efforts to provide refugees with affordable health care. The scheme is funded by several donors including the European Union’s Directorate-General for European Civil Protection and Humanitarian Aid Operations, known by the acronym ECHO.

All registered refugees in Iran can enrol in UPHI at local government offices known as Pishkhan Centres, where they will receive an insurance booklet which serves as a pass giving access to an extensive network of government hospitals and public clinics and permits them to receive medical care at an affordable cost.

Support from UNHCR complements the government’s contribution and in 2017 covered the cost of premiums for 110,000 of the most vulnerable refugees and members of their families, including those with serious ailments such as haemophilia and kidney disease. *“This initiative by the government of Iran is certainly exemplary.” All other refugees may also enrol in the insurance scheme by paying the premiums themselves.*

UNHCR’s officer-in-charge in Iran, Iryna Korenyak, applauded the Iranian government for assisting almost 1 million refugees living in Iran. “This initiative by the government of Iran is

certainly exemplary, particularly as it has resulted in the inclusion of the refugees in its national health system," she said.

The Islamic Republic is one of the few countries in the world to provide such a service. UPHI was first applied to all Iranians in 2014, then a year later Iran set a global precedent by offering health insurance to all refugees, who have benefited continuously from the scheme for the past four years.

This example of the inclusion of refugees in national health services, rather than keep treating them in a parallel service, is the kind of practice UNHCR wants to see applied in all refugee situations globally.

Such an approach is an integral part of the new approach set out in the 2016 New York Declaration for Refugees and Migrants by the UN General Assembly, which will form the basis of a new global compact on refugees. The compact also aims to ensure that host countries with progressive policies like Iran are better supported by the international community. » Source: UNHCR, Trailblazing health scheme benefits refugees in Iran, 4 mai 2018: www.unhcr.org/news/stories/2018/5/5ad616a44/trailblazing-health-scheme-benefits-refugees-iran.html.

UNHCR, 14 novembre 2017:

« The Islamic Republic of Iran is host to one of the largest and most protracted urban refugee populations worldwide. **More than 3 million Afghans, including registered refugees, passport holders and undocumented, reside in Iran. The Government is responsible for registering refugees and issuing identity cards (Amayesh). Approximately 97 per cent of the registered refugees live in urban areas while 3 per cent reside in 20 settlements. UNHCR assists the registered Amayesh cardholders. In addition to registered refugees, according to the Government's estimation, Iran hosts around 620,000 Afghans who hold Afghan passports and Iranian visas, and more than 1 million undocumented Afghans. A countrywide exercise to identify the undocumented took place in 2017. It initially targeted only Afghans but was extended to Iraqis after a few months. According to the Government more than 800,000 undocumented foreign nationals were identified during the headcount by mid-September 2017.**

The Islamic Republic of Iran opened access to all refugees into the Universal Public Health Insurance (UPHI) that provides refugees with health insurance services similar to that of Iranian nationals. To date, more than 110,000 extremely vulnerable refugees have enrolled in the third cycle of UPHI scheme (providing coverage for 12 months. Undocumented Afghan children are now allowed to access formal education. More than 420,000 refugee children are enrolled in primary and secondary school, out of which over 72,000 are undocumented Afghan children.

Voluntary repatriation has continued to decrease as the situation in Afghanistan deteriorates further, as a result, only 930 refugees voluntarily repatriated in the period between January and September 2017. In this context, resettlement remains an important durable solution. However, resettlement quotas have been on the decline over the past few years, and UNHCR was offered to resettle less than 240 individuals in 2017. Concerted efforts

will be made to increase available resettlement quotas for Iran, as well as to engage in the alternative pathways to third country solutions.

The Government of the Islamic Republic of Iran continues to play an active role in the process of 'Solutions Strategy for Afghan refugees to support voluntary repatriation, sustainable reintegration and assistance to host countries'. BAFIA has the overall responsibility of coordinating refugee affairs in coordination with other line ministries, such as the Ministries of Health and Education. UNHCR will continue to work closely with other UN agencies and its NGO partners, including through leading thematic working groups. UNHCR and partners remain engaged in interagency contingency planning preparedness under UNHCR's leadership.» Source: UNHCR, Globus Focus, 2018 Planning summary, 14 novembre 2017, p.4 : <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GA2018-IslamicRepublicofIran-eng.pdf>.

UNHCR, 18 octobre 2017:

« In his recent interview with the Tehran Times, Representative of the United Nations High Commissioner for Refugees (UNHCR) in Tehran has praised Iran for providing very affordable healthcare services for refugees.

“Iran has set a global precedent by opening the access of all refugees into its Salamat Universal Public Health Insurance (UPHI) which provides health insurance services similar to that of Iranian nationals,” Sivanka Dhanapala notes.

The UNHCR diplomat also says the launch of UPHI coverage can ensure refugees' “social protection” and “resilience”. [...]

In Iran, we are proud that only less than 3 % live in settlements, however UNHCR supports and complements the efforts of the government of the Islamic Republic of Iran in some targeted settlements, and by providing some support to renovate communal infrastructures. Examples of such interventions include electricity, water or gas connection. UNHCR is also supporting the local authorities to renovate some limited number of shelters in settlements where and when the needs are greatest and most urgent. Renovating shelters ensures the physical safety and dignity of refugees and prevents possible accidents due to any deterioration of building structures.

Q: It is not just Afghan refugees, but also Iraqis who have found shelter in Iran from their war-stricken countries. What has UNHCR done to help Iran provide better facilities such as health benefits and education for refugees and their children?

A: As for Afghans and Iraqis, Iran hosts some 950,000 registered Afghan and 29,000 Iraqi refugees. These are individuals who are recognized as refugees by the government of Iran and UNHCR and hold Amayesh cards.

UNHCR in Iran is very grateful for the protection and assistance that the Islamic Republic of Iran has provided to refugees for now over 35 years.

The Bureau for Aliens and Foreign Immigrants Affaires (BAFIA) of the Ministry of Interior is UNHCR's main governmental counterpart in Iran with regard to refugee affairs in Iran with whom we have built very good working relations.

*Our main interventions are in the areas of health, education, and livelihoods in an effort to improve access to services for refugees. **We work under the umbrella of a regional multi-year strategy known as the Solutions Strategy for Afghan Refugees (SSAR) in an effort to find more viable solutions for the very large population of refugees hosted in Iran.***

I mention some major interventions and policies as examples of services provided to refugees in Iran.

In regard to health, the Islamic Republic of Iran is rendering free of charge primary healthcare services to all refugees. In addition, Iran has set a global precedent by opening the access of all refugees into its Salamat Universal Public Health Insurance (UPHI) which provides health insurance services similar to that of Iranian nationals.

The implementation of the UPHI creates large protection dividends and plays an essential role in enhancing refugees' social protection and their resilience.

In the area of education, refugee children have access to education and over 360,000 refugee children study side by side with Iranian children. As one of its major contributions, UNHCR supports the government through construction of co-funded schools, benefiting both refugees and host communities in areas with high refugee population. In May 2016 the revision of the regulations on the registration of foreign national students in Iran resulted in the removal of any refugee-specific tuition fees (USD \$70-90 per child) for primary and secondary education, which further facilitated the access of the refugee children to education, including for the most vulnerable and economically challenged families. Additionally, UNHCR supports the Literacy Movement Organization (LMO) in their efforts to provide literacy-related services to refugee adults and over-aged children.

In May 2015, Iran's Supreme Leader issued a decree allowing all Afghan children of school age, regardless of their documentation status, to attend primary and secondary school education, resulting in an additional 50,000 Afghan and Iraqi children enrollments.

In the area of livelihoods, the government of Iran together with UNHCR strive towards ensuring that refugees gain access to vocational education and demand-driven skills so that they can earn a sustainable living and positively contribute to society during their stay in Iran and that they are equipped with the necessary skills to help rebuild their lives and their society when they voluntarily return to their homeland.

Q: Iran has banned presence and restricted travels of Afghan refugees in certain cities and provinces. To what extent do you believe Iran's refugee regulation on Afghan mobility across the country is in conformity with international law on refugees?

A: In 2001, the government adopted a No-Go Areas (NGAs) policy, whereby entire or specific parts of provinces were declared as 'no-go' for foreigners, including refugees. However the policy was not implemented until 2007, and then refugees in NGAs were given the choice of relocating to designated areas, or returning to their country of origin. Of the 31 provinces in Iran, currently 17 are entirely NGAs and 11 are partially NGAs.

They are largely near border areas which remain sensitive for security reasons. The government informed UNHCR that there is no plan to declare new NGAs.

*While the 1951 Convention Relating to the Status of Refugees sets the threshold on the enjoyment of rights and obligations of refugees in their host countries, refugees are expected to conform to the laws and regulations, as well as measures taken for the maintenance of public order in host societies. It is important to mark that the enjoyment of rights is fundamentally guided by the principle of non-discrimination based on race, religion or country of origin. In the same context, **specific regulations introduced by the host countries, such as the establishment of the no-go areas that are applicable to all non-nationals and based on the protection of specific government interests that are not specifically targeting refugee populations would not amount to contradicting the principle of freedom of movement of refugees as set in the context of the Art. 26 of the Geneva Convention.***

Art. 26. "Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances".

Q: Has UNHCR taken any initiatives for safe and voluntary refugee repatriation from Iran?

A: UNHCR continues to facilitate the voluntary repatriation of Afghans and Iraqis to their respective countries of origin, although voluntary return has reduced over the years due to the increasing insecurity in Afghanistan and Iraq. **The figure of 16,000 individuals that repatriated in 2012, has decreased to only 2,426 individuals in 2016.**

Documented Afghan refugees who volunteer for return approach a BAFIA office to submit their Amayesh refugee ID card, receive their Laissez Passer (LP), approach UNHCR offices (Voluntary Repatriation Centres), reconfirm their voluntary repatriation, receive a transportation grant and a number of relief items for their journey home and finally receive their voluntary repatriation fund at entry level inside their home country, assisting them to settle down upon arrival.

Q: Will UNHCR provide volunteer positions for Iranian citizens to gain experience at UNHCR?

A: UNHCR Iran operation systematically posts several internship positions for its Programme, Protection, External Relations and Field units open to all Iranian citizen applicants. These internship positions, which are usually for a six month period, offer a unique opportunity to gain first-hand knowledge regarding the operation and its various projects and joint activities with the government.

Q: Do you personally know of any immigrant or their family whose story touched your heart?

A: Recently the story of a 1 year old infant baby girl named Masoumeh who was born with a birth deficiency in which the backbone and spinal canal do not close before birth, a life-threatening condition with high risk of permanent paralysis, touched the hearts of many in our office. Masoumeh needed urgent surgery yet treatment cost would place a huge financial burden with many ramifications for her entire family like putting them at risk of eviction from their house, her siblings not being able to attend school due to financial barriers, debt, and so on. However **enrolling in the UPHI scheme and obtaining the Salamat insurance booklet, enabled her**

to receive her life saving surgery this July (costing 150,000,000 IRR) in Children's Hospital in Tehran. The insurance paid 90% of the expenses (hospital bill and other medical costs) and gave her the chance for a new healthy life. She is continuing to use the insurance for her follow up treatments and her family will definitely continue to enroll in the scheme in the coming cycle knowing the benefits. Her family is overcome with joy and are ecstatic to see their baby girl health and happy.» Source: UNHCR, Iran Set Global Precedent by Opening Refugees' Access to Healthcare: UNHCR Rep, 18 octobre 2017: <https://reliefweb.int/report/iran-islamic-republic/iran-set-global-precedent-opening-refugees-access-healthcare-unhcr-rep>

USDOS, 20 avril 2018:

« The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions, particularly concerning migrants and women. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq. [...]

According to UNHCR, the government has granted registration to 951,000 Afghan and 28,000 Iraqi refugees under a system known as "Amayesh," through which authorities provide refugees with cards identifying them as legally registered refugees. The cards enable refugees to access basic services and facilitate the issuance of work permits.

Additionally, approximately 1.4 million "nonrefugee" Afghans held visas under a Joint Action Plan for formerly undocumented Afghans. A large number of undocumented Afghans lived in the country and were unable to register as official refugees or visa holders.

HRW and other groups reported that the government continued its mistreatment of many Afghans in Iran, including physical abuse by security forces; deportations; forced recruitment to fight in Syria (see section 1.g.); detention in unsanitary and inhuman conditions; forced payment for transportation to and accommodation in deportation camps; forced labor; forced separation from families; restricted movement within the country; and restricted access to education or jobs.

Refoulement: According to activist groups and NGOs, authorities routinely arrested Afghan refugees and sometimes threatened them with refoulement. According to the International Organization for Migration, from the beginning of the year to November, more than 147,000 undocumented Afghans returned to Afghanistan, with many said to have believed they were pressured to leave, while more than 232,000 had been deported there throughout the year.

Access to Asylum: The law provides for the granting of asylum or refugee status to qualified applicants. While the government reportedly has a system for providing protection to refugees, UNHCR did not have information regarding how the country made asylum determinations. According to HRW the government continued to block many Afghans from registering to obtain refugee status.

Afghans not registered under the Amayesh system who had migrated to Iran in the past decades of conflict in their home country continued to be denied asylum or access to register with the United Nations as refugees for resettlement. NGOs reported many of these displaced asylum seekers believed they were pressured to leave the country but could not return to Afghanistan because of the security situation in their home provinces.

Freedom of Movement: Refugees faced restrictions on in-country movement and faced restrictions from entering 27 provinces, according to UNHCR.

Employment: Only refugees with government-issued work permits as part of the Amayesh system were able to work. NGO sources reported that cards were difficult to renew and were often prohibitively expensive for refugees to maintain due to steep annual renewal fees.

Access to Basic Services: Amayesh cardholders had access to primary education and received primary health care, including vaccinations, prenatal care, maternal and child health, and family planning from the Ministry of Health. They also benefited from a universal basic health insurance package for hospitalization and paraclinical services (medicine, doctor's visits, radiology, etc.) similar to Iranian citizens, and those with qualifying "special diseases" got comprehensive coverage.

The government claimed to grant refugees access to schools. According to a UNHCR report in June, approximately 52,000 undocumented Afghans were enrolled in the national education system for the 2016-17 year, in addition to an estimated 360,000 documented Afghan children. According to media reporting on schools for Afghan children, however, Afghans continued to have difficulty gaining access to education. The government sometimes imposed fees for children of registered refugees to attend public schools.

There were barriers to marriage between citizens and displaced Afghans. Authorities required Afghans to obtain documentation from their embassy or government offices in Afghanistan to register their marriage in the country, according to media reporting. The law states, "Any foreigner who marries an Iranian woman without the permission of the Iranian government will be sentenced to two to five years in prison plus a cash penalty." Furthermore, authorities only considered children born from such unions eligible for citizenship if the child's father is a citizen and registers the child as his, leaving many children stateless.

Most provinces' residency limitations on refugees effectively denied them access to public services, such as public housing, in the restricted areas of those provinces. [...]

Displaced Children: There are thousands of Afghan refugee children in the country, many of whom were born in Iran but could not obtain identity documents. These children were often unable to attend schools or access basic government services and were vulnerable to labor exploitation and trafficking.

In its January 2016 report, the UN Committee on the Rights of the Child noted continued "allegations of abuse and ill treatment of refugee and asylum-seeking children by police and security forces." UNHCR stated that school enrollment among refugees was generally higher outside camps and settlements, where greater resources were available. [...]

*The law prohibits all forms of forced or compulsory labor, **but the government did not effectively enforce the law and made no significant effort to address forced labor during the year. Conditions indicative of forced labor sometimes occurred in the construction, domestic labor, and agricultural sectors, primarily among adult Afghan men. Family members and others forced children to work.** [...]*

There were reportedly significant numbers of children, especially of Afghan descent, detained as street vendors in major urban areas. According to several social media sources, Tehran's gubernatorial office arrested more than 300 child laborers on Tehran's streets over the first half of September, including many Afghan children. The Afghan children were reportedly sent to a camp on the border with Afghanistan. On September 22, the Iranian Students' News Association quoted the head of the Welfare Organization's Social Affairs Department in Tehran saying that 255 child laborers had been handed over to welfare centers from September 4 to 22 and that a similar practice had been followed during the first three months of the year.

***The Committee on the Rights of the Child reported that street children in particular were subjected to various forms of economic exploitation, including sexual abuse and exploitation by the public and police officers.** Child labor also reportedly was used in the production of carpets. Children worked as beggars, and there were reports that criminals forced some children into begging rings. [...]*

The law establishes a maximum six-day, 44-hour workweek with a weekly rest day, at least 12 days of paid annual leave, and several paid public holidays. Any hours worked above that total entitles a worker to overtime. The law mandates a payment above the hourly wage to employees for any accrued overtime, and provides that overtime work is not compulsory. The law does not cover workers in workplaces with fewer than 10 workers, nor does it apply to noncitizens.

Employers sometimes subjected migrant workers, most often Afghans, to abusive working conditions, including below-minimum-wage salaries, nonpayment of wages, compulsory overtime, and summary deportation without access to food, water, or sanitation facilities during the deportation process.

According to media reports, many workers continued to be employed on temporary contracts under which they lacked protections available to full-time, noncontract workers and could be dismissed at any time without cause. Large numbers of workers employed in small workplaces or in the informal economy similarly lacked basic protections. Low wages, nonpayment of wages, and lack of job security due to contracting practices continued to be major drivers for strikes and protests. » Source: Département d'Etat des Etats-Unis (USDOS), Country Reports on Human Rights Practices for 2017 - Iran, 20 avril 2018: www.ecoi.net/en/document/1430093.html.