

Afghan Refugees in Iran:

From Refugee Emergency to Migration Management

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Iran, which has patiently hosted a large Afghan refugee population for some time, has been preparing to adjust its refugee policy in line with post-Taliban developments within Afghanistan. At the core of this adjustment is a demand that the refugees return to their country of origin. The new Iranian policy entails difficult political choices for the host government and possibly painful consequences for the Afghans in Iran.

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To ease the transition, the Iranian government has been working on a regular basis with the United Nations High Commissioner for Refugees (UNHCR), and it recently decided to open up a broader dialogue with foreign refugee experts through a conference on the topic, jointly organized by the Chr. Michelsen Institute, Bergen (CMI), the International Peace Research Institute, Oslo (PRIO) and the Institute for Political and International Studies, Tehran (IPIS).¹

Iran demands that the Afghans return to Afghanistan.

The interests of Iran, Afghanistan and the refugees must be heard.

The conference, held in October 2003, surveyed the existing refugee situation – on which little information is generally available – and discussed ways of promoting solutions that reflect the interests of both the host state and the country of origin, as well as the refugees themselves. In addition, participants emphasized that the Afghan refugee situation in Iran is also affected by broader developments in the region (above all, the refugee policy of Pakistan, traditionally the other large hosting country for Afghan refugees), and in turn affects countries that are further from the region. (In Norway, for instance, the number of Afghan asylum-seekers was three times higher in 2003 than it had been in the previous year. Most of these had previously been in Iran, Pakistan or other countries before coming to Norway.)



*Returning refugees receiving mine awareness.
(photo: Arne Strand)*

A reasonable transition from a longstanding refugee emergency to comprehensive migration management would therefore yield significant

¹ The participants at the conference were from Iran, Afghanistan, Pakistan, Norway and the United Kingdom. They included government and UNHCR officials, staff members of NGOs and Afghan refugee organizations in Iran, and experts. The event was funded by IPIS and the Norwegian Ministry of Foreign Affairs.

Comprehensive migration management is beneficial.

Refugees and migrants have different needs and rights.

There is a long history of migration from Afghanistan to Iran.

A smuggling network facilitates cross-border movement.

410,000 refugees repatriated in 2001.

benefit. In relation to this, though, it is essential to note that the Afghan population in Iran that has generally been termed 'refugees' consists of (1) refugees in the legal sense, or persons who are otherwise 'of concern' to UNHCR – estimated at around 1 million, and (2) labour migrants, who are presumed to constitute the remainder of the 2.3 million Afghans who registered with Iranian authorities last year. As refugees and migrants have different needs and rights, a differentiated solution is called for – and such a solution was initiated by UNHCR in mid-2003.

The Refugee Situation

Differences in levels of economic development between Iran and Afghanistan have long contributed to significant levels of labour migration from Afghanistan to Iran. This has been made easier by the fact that large numbers of Afghans share a language (Dari) and religion (Shia Islam) with the Iranians. The migration has mostly been officially regulated and legal, particularly in the 1960s and 1970s. With the Afghan Revolution, the Soviet invasion and the escalating war in Afghanistan after 1978–79, networks that had already been formed in Iran made it easier for the new and now very mixed flow of Afghan refugees and labour migrants to establish themselves in Iran. The Iranian government took formal responsibility for the refugee population and – in sharp contrast to Pakistan – allowed foreign NGOs, international organizations and UNHCR only a marginal role. Although it received a large number of refugees, Iran was generally considered a supportive host country. Refugees were not required to settle in camps, but could live where they found work. They also had access to healthcare, basic education and subsidized food on the same terms as Iranian citizens. However, there were considerable restrictions on physical movement, and government permits were required for travel within the country.

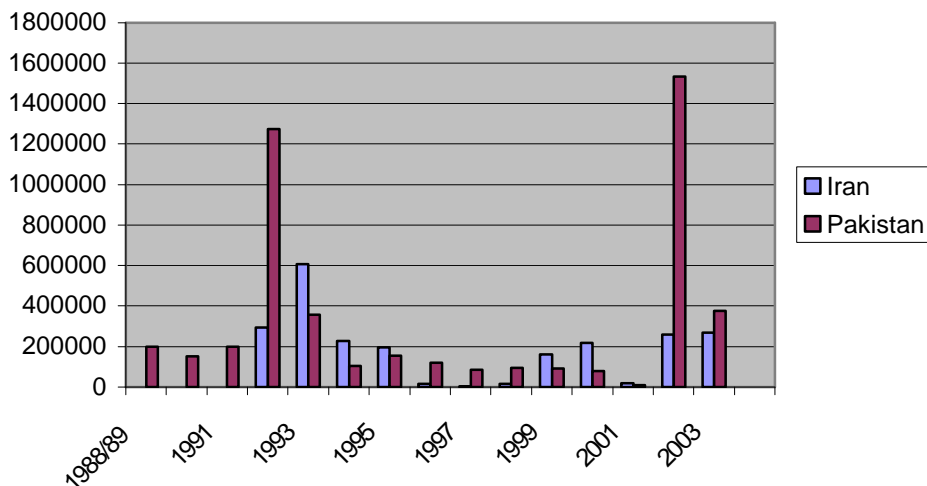
The Soviet withdrawal from Afghanistan and the fall of the communist Najibullah regime led to a large-scale process of repatriation in 1992 and 1993. This period of return, facilitated through a tripartite agreement between Iran, Afghanistan and UNHCR, came to a halt in the face of renewed warfare among the various mujahedin groups and the gradual takeover by the Taliban from 1994 onwards. A new outflow of Afghans sought safety and work in Iran in the period 1994–2001, though these were not granted refugee status. As a result, all non-official movement across the border in these years appeared as illegal labour migration. A thriving smuggling network facilitated this movement.

With the fall of the Taliban in late 2001, repatriation resumed once again, although not as rapidly as for Afghans in Pakistan. In the course of 2002, UNHCR registered the repatriation of some 410,000 refugees. Of these, 245,000 were so-called assisted voluntary repatriates, 150,000 were spontaneous repatriates (no UNHCR assistance) and 25,000 were deportees. While there is an emphasis on voluntary repatriation, reports

from independent experts and interviews with returnees in Afghanistan indicate that deportation of legal refugees does take place.

By mid-2003, all Afghans residing in Iran were asked to re-register with the authorities. Those with refugee documents were obliged to hand in their refugee cards and received in return only temporary residence permits, with no time for staying or leaving specified. The number of registered Afghans at that time totalled 2.3 million. Of these, UNHCR considers 1.1 million to be refugees or otherwise 'of concern' to its mandate.

UNHCR Reported Voluntary Repatriation to Afghanistan 1988 - 2003



Attitudes Towards Afghan Refugees

In Iran, the broad sentiment is that the Afghan refugees pose a significant burden and that it is time for them to go back to Afghanistan. This attitude reflects significant levels of unemployment in Iran, as well as concern over increasing drug smuggling and violence on the border, including the killing of Iranian border security personnel. Furthermore, politically, the refugees are less interesting than when they represented the victims of godless communism. At the same time, though, Afghans continue to provide much-needed labour in agriculture and the construction industry. Afghan refugees themselves readily state that they feel they are no longer welcome in Iran. There is both subtle and overt discrimination, and at times harassment. Opportunities for higher education were closing in 2003. Little or no compensation is paid when workers in the construction sector are killed or disabled in accidents. Informed reports have suggested increased use of drugs to sustain long and hard working days.

Afghan refugees are regarded as a burden to Iran.

Iranian women who marry Afghan men lose their Iranian citizenship. If involuntary returns are instituted, such families risk being sent to Afghanistan. Estimates of the number of persons who may be affected vary markedly, but a reasonable figure suggests 30,000.

Marrigae and citizenship is a major issue.

Detailed information about the life of the Afghan refugees/migrants is not easily accessible for outsiders. The Iranian government agency most directly responsible, the Bureau for Aliens and Foreign Immigrants Affairs (BAFIA), collected basic data on the caseload in connection with the re-registration in 2003. At least one Iranian humanitarian organization (HAMI Association) has carried out field research. International or foreign-based organizations working with refugees in Iran, including UNHCR, have limited direct access to Afghan refugees and rely largely on official Iranian interlocutors.

The tripartite agreement expires in 2005.

During the Taliban regime, with which the Iranian government had an antagonistic relationship, Tehran did not press for repatriation, citing economic and security concerns. By early 2003, however, the government was promoting a different view. Most starkly, as expressed by BAFIA, this is that all Afghans have to return. Other Iranian agencies, however, appear less categorical. The current tripartite agreement between UNHCR, Iran and Afghanistan may signal the last phase of the 'old system' of repatriation, discussed above. The agreement is due to expire in 2005, and there is growing recognition among UNHCR and other concerned parties that a new strategy is necessary. UNHCR has taken the lead in opening up for discussion of a 'comprehensive approach' based on a more rigorous distinction between refugees and migrants.

Return and Reintegration

The Iranian government also has an interest in developing good relations with the new authorities in Kabul, and Afghan refugees in Iran are a relevant factor in this regard. The reconstruction of Afghanistan has moved much more slowly than many Afghans – including the new powerholders – had hoped for. Security problems persist in many areas, and international funding for return and rehabilitation is limited. By contrast, remittances from Afghans abroad constitute an unknown, but probably quite significant, source of income and foreign exchange. The Afghan government, while encouraging skilled refugees in particular to return, has not been pushing for rapid, general repatriation.

Skilled refugees are encouraged by the Afghan government to return to reconstruct the country.

The drought in the southwestern part of Afghanistan has affected employment and production in the agricultural sector. Many returnees have therefore moved to the cities, particularly Kabul, which has an international security force, the highest wage levels in the country and a large number of aid organizations. But Kabul also has probably the highest price levels in the country, as well as a pressing housing shortage. Herat, close to the Iranian border, has a high degree of security and economic growth, but even here there has been a limited rate of return. Many from the Herat region still migrate to seek work in Iran.

All of these factors have had an impact on the refugees' rate of return. Economic and security concerns have left many families reluctant to

return to Afghanistan. In addition, some families that stayed in Afghanistan have established a security net by sending out one family member to work in Iran, and numerous families are completely dependent on remittances from family members working in the neighbouring countries. Attempts to return the remaining Afghans currently in Iran without establishing alternative venues for legal labour migration will affect both family incomes and the national income as a whole. For the refugees among them, protection issues are paramount.

The economic and security situations in Afghanistan are difficult.

International and Refugee Law Perspectives

From the perspective of refugee-receiving countries in the West, the maintenance of large Afghan refugee populations in the neighbouring states of Iran and Pakistan exemplifies the preferred solution: refugees should be offered protection and basic necessities as close as possible to their country of origin, with repatriation as the ultimate aim. This policy entails a very unequal distribution of the international refugee burden. It also limits the opportunities for refugees to seek protection and resettle elsewhere, which is at least an implied right under international refugee law. Protection is not always adequate in neighbouring countries, particularly in times of repatriation, when the line between voluntary and forced return is often blurred.

The line between voluntary and forced return is blurred.

In this respect, it seems that UNHCR may be seen as sending contradictory signals by generally supporting (voluntary) return to Afghanistan from Iran and Pakistan under the respective tripartite agreements, while cautioning Western governments against returning Afghan refugees. Many of the Afghans who now move on from Iran and Pakistan to seek asylum in European countries evidently do so to escape being returned to Afghanistan. If the Norwegian caseload is indicative, most are single young men, and only a small fraction are not found to be refugees under the terms of the Refugee Convention (520 out of 2,525). Among the rest, about half were granted permit to stay on humanitarian grounds, while the other half were refused permit to stay, presumably because they fell into the category of more ordinary migrants.

From Refugee Emergency to Migration Management

As a rule, refugee situations entail difficult political and moral decisions, because they involve conflicting rights and interests and the stakes can be very high – often matters of life and death. Nevertheless, over the years there has developed an increasing understanding of what constitute more or less imperfect solutions to difficult refugee situations. Two solutions are central to the transition from a refugee emergency to a broader migration management, and these are particularly relevant to the future of the Afghans in Iran:

The stakes are high in refugee situations.

- When migration and refugee movements coincide, screening is necessary in order to identify the two as separate categories.

Two solutions are central:

- screening
- reconstruction

Different solutions have to be devised for each group, which have particular needs and require different responses. In the past, it has been possible (usually after some time) to carry out such screening and to address the migration and the refugee flows separately. This type of approach also reduces the refugee population numerically. Screening of this kind was eventually made with respect to refugees from Eastern Europe and Vietnam.

- Sustained reconstruction is necessary for return in the case of long-lasting wars in poor countries. Solutions in such situations typically require external assistance, a common regional approach and the early establishment of a framework for reconstruction and return. The classic case here is Central America.

Return must be gradual.

There is some indication that these lessons are being absorbed. In Iran, the hardline argument is that all refugees need to return before discussions on opportunities for regularized labour migration can even start. Yet, there is some recognition that Afghanistan's absorption capacity is limited and return must therefore be gradual. There is also some awareness of the value of the Afghan labour force in some sectors of the Iranian economy, as well as a desire to develop good relations with Kabul. As a result, a more liberal visa policy was instituted in 2002, and regular flights have started between Tehran and Mashad and Kabul. These changes encourage trade and also permit some legal labour migration. The effect has been immediate in terms of a decline in the smuggling of persons across the border.

For Afghan refugees currently in Iran, the opening up of a legal route of migration may encourage repatriation insofar as they would then know that return to Iran may be possible – either for work or if the security situation in Afghanistan deteriorates. However, the reform of refugee status in 2002, which made permission to stay time-limited and dependent on renewals, introduced much uncertainty and anxiety about the future.

UNHCR: Future movements should be lodged within normalized regional and bilateral relations.

UNHCR, as noted, is moving towards a comprehensive migration management approach. The analysis of the agency is premised on the notion that future population movements between Afghanistan and Iran are increasingly migratory and economic in nature, and should primarily be lodged within normalized regional and bilateral relations. The refugee population will continue to require special attention, with renewed emphasis on repatriation and protection for those – presumed to be a smaller number – who cannot safely return home. If the agency invokes the cessation clause of the Refugee Convention (meaning there is no longer a reason to bestow refugee status), Iran would be entitled to return all refugees, whether they themselves wish to return or not. The agency further emphasizes the importance of regional cooperation and international support in effecting a transition in this direction.

Conclusion

A starting point for better migration management is to acknowledge how little is known about the population in question – Afghans in Iran. This is true in relation to their socio-economic characteristics, the concerns of the host country and conditions in the country of origin. *More knowledge* in these areas will assist both official stakeholders and Afghans themselves to make informed choices. For the refugees, for example, more schemes to provide information about conditions at home may be useful (e.g. return visits or information exchanges). Iranian humanitarian organizations may be encouraged or assisted to undertake data-collection in the field.

Knowledge will contribute to informed choices.

In addition, UNHCR's recent proposals for adjustment reflect both realities on the ground and lessons incorporated from similar refugee movements. Consequently, the *agency's initiative to institute a comprehensive migration management initiative deserves broad support*. Support is also essential insofar as institutional, diplomatic and financial assistance from the donor community will be required to bring about the proposed transition. At the same time, Afghan refugees and their representatives should be fully involved in the transition in order to increase its effectiveness.

UNHCR's initiative needs support.

Finally, it is vital to recognize that *regional and international developments* will affect attempts to develop satisfactory responses to Afghan-Iranian population movements. Most immediately, progress on reconstruction and security in Afghanistan will facilitate return and a transition to the more managed migration regime that prevailed in earlier times. Dealing appropriately with the remaining refugees in Pakistan will be an important model. Recognition of Iran's contribution as a long-time and patient refugee host is important, as is progress among countries in the region in dealing with other common problems of concern.

It is vital to recognize that regional and international developments affect population movements.

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