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The Situation of Afghans in the Islamic Republic of Iran Nine Years After the Overthrow of the Taliban Regime in Afghanistan

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Introduction¹

The Islamic Republic of Iran² has been hosting Afghan refugees since the beginning of Afghanistan's conflict in the late 1970s. In the last three decades, multiple factors such as insecurity, violence, regime changes, drought, and unemployment have led many Afghans to seek refuge abroad, primarily in the neighbouring countries of Iran and Pakistan.³ Yet even prior to this relatively recent period of instability, Afghans had a tradition of travelling to Iran not only as pilgrims and students, but also primarily as migrant workers.

At the peak of the Afghan refugee crisis in 1991 and 1992, the Iranian government hosted more than three million Afghans.⁴ Nine years after the overthrow of the Taliban regime, just

¹ The views and opinions expressed in this article are those of the author and not necessarily those of the United Nations. The author would like to thank Carlos Zaccagnini, UNHCR Representative in Iran, for comments on an earlier version of this paper, as well as Mehrdad Rezaeian, UNAMA, for assistance with research.

² Hereafter, the Islamic Republic of Iran will be referred to as Iran or the Iranian government.

³ Several excellent papers cover the history of Afghan refugees in more detail and readers are encouraged to consult these sources. See, for example, F. Adelkhah and Z. Olszewska, "The Iranian Afghans," *Iranian Studies*, Vol. 49 (2007), p.2; A. Monsutti, *Transnational Networks: Recognising a Regional Reality* (Kabul: Afghanistan Research and Evaluation Unit, 2006); A. Monsutti, "Afghan Migratory Strategies and the three Solutions to the Refugee Problem," *Refugee Survey Quarterly*, Vol. 27 (2008), p. 1; M. Saito, *Searching for my Homeland: Dilemmas between Borders. Experiences of Young Afghans Returning "Home" from Pakistan and Iran* (Kabul: Afghanistan Research and Evaluation Unit, July 2009); International Crisis Group, *Afghanistan: What Now for Refugees?* Asia Report No. 175 (Brussels: International Crisis Group, August 2009); S. Schmeidl and W. Maley, "The Case of the Afghan Refugee Population: Finding Durable Solutions in Contested Transitions," in Howard Adelman, ed., *Protracted Displacement in Asia: No Place to Call Home* (London: Ashgate Publishers, 2008), pp. 131–179; M. J. Abbasi-Shavazi, D. Glazebrook, G. Jamshidiha, H. Mahmoudian, and R. Sadeghi, "Second-generation Afghans in Iran: Integration, Identity and Return" (Kabul: Afghanistan Research and Evaluation Unit, April 2008); P. Wickramasekara, J. Sehgal, F. Mehran, L. Noroozi, and S. Eisazadeh, "Afghan Households and Workers in Iran: Profile and Impact," *ILO-UNHCR Cooperation Towards Solutions for Afghan Displacement* (Geneva, October 2006).

⁴ O. Vafa, "Refugees in Iran and International Security". Paper presented at the annual meeting of the *International Studies Association*, San Diego, CA (March 22, 2006).

over one million Afghan refugees remain,⁵ as well as approximately two million undocumented, or in other words, illegal Afghans.

The majority of these Afghans live in urban areas among Iranians though in primarily Afghan-dominated neighbourhoods in provinces specifically condoned by the Iranian government for their residence. These Afghan colonies tend to be located in geographical areas that have a high demand for manual labor, particularly in the fields of agriculture, construction, brick-making, stone-cutting, etc. Only approximately 3% (i.e., *circa* 25,000 Afghans) are accommodated in refugee camps.⁶

In light of the fact that Iran continues to host one of the world's largest refugee populations, its government must be commended for managing this responsibility largely independently and with minimal international financial support for the last three decades.⁷ While consistently cooperating with UNHCR, the Iranian government has preferred to manage its refugee population via its Ministry of Interior's Bureau of Aliens and Foreign Immigrants Affairs (BAFIA), together with some government-approved non-governmental organizations (NGOs).

This policy paper outlines the situation of Afghans in contemporary Iran as well as Iran's refugee policies and ongoing efforts to regularly register Afghan refugees. An update on voluntary repatriation and work conditions is provided, as are some of the factors influencing many Afghans to choose to remain in Iran. While the focus of this paper is Afghan refugees, the situation of undocumented Afghans is also briefly presented, a necessary inclusion since the majority of young Afghan males⁸ living in Iran are illegal migrant workers who encounter a range of similar concerns to refugees. Mechanisms to ensure the social protection of Afghans living in the Islamic Republic of Iran together with a series of other recommendations conclude this paper.

Afghans in Iran

More than 30 years have passed since the first wave of Afghan refugees came to Iran. During their stay, these refugees have had access to basic health care, education, and employment opportunities. They have also been able to take advantage of generous subsidies on petrol, natural gas, electricity, and basic food items which, until very recently, the Iranian government has provided to all residents.

Over the last decade, the Iranian government has regularly registered its refugee population in order to maintain up-to-date statistics.⁹ An initial identification and registration of refugees

⁵ The exact figure is 1,036,212; UN High Commissioner for Refugees (UNHCR), Press Release (June 30, 2010). These are the results of the 2008/2009 Amayesh IV registration exercise by the Iranian Ministry of Interior's Bureau of Aliens and Foreign Immigrants Affairs. Results of the more recent Amayesh V and VI have not yet been released.

⁶ UNHCR, *Fact Sheet Islamic Republic of Iran* (August 31, 2009); BAFIA maintains five Afghan refugee settlements in Iran: two in Kerman province and one in each of the provinces of Semnan, Markazi, and Razavi Khorosan.

⁷ UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (New York: Oxford University, 2000), p. 117.

⁸ Male Afghans temporarily leave Afghanistan to seek employment predominantly as unskilled manual laborers in Iran's extensive construction, brick-making, and stone-cutting industry as well as in the agricultural sector.

⁹ Following the first registration of Afghans in 2000, certificates were issued to Afghans who participated in this exercise, thereby superseding "all previously issued documents" (Abbasi-Shavazi *et al.*, "Second-generation

was held in 2000, then followed by frequent registration exercises. Beginning in 2003, these registrations came to be known as Amayesh.¹⁰ The latest registration, Amayesh VI, concluded in December 2010;¹¹ preparations are currently underway for Amayesh VII which is expected to commence in May 2011. This process of sequential registrations has enabled BAFIA to provide refugees with adequate assistance and to be able to monitor emerging trends, including the growth rate of the Afghan refugee population. Renewable registration cards are issued by BAFIA once an Afghan refugee re-registers and pays the necessary registration fees and municipality taxes.¹²

The ethnic and sectarian composition of Iran's Afghan refugee population is diverse. BAFIA's 2005 registration (called Amayesh II) indicated that the majority (40.47%) are ethnic Shia Hazaras, 22.07% Sunni Tajik, 8.8% Sunni Pashtuns, 3.1% Sunni Baluch, and 2.5% Sunni Uzbek.¹³

Afghans living in Iran either legally as refugees or illegally as undocumented migrant workers, originate from across all of Afghanistan's 34 provinces. The fact that half of Iran's Afghan camp refugee population (i.e., approximately 12,000 persons) are Pashtuns originally from Farah,¹⁴ a neighboring province in western Afghanistan, is also noteworthy, perhaps indicating factors hindering their integration into Iran's highly urbanized society. Moreover, since many Pashtun communities living in camp and colony settings in Iran adhere to conservative social and cultural practices, the decision to repatriate depends primarily on the initiative of their tribal leaders.

Traditionally, Afghans have a high birth rate, a pattern which is also evident in the profile of the refugee population in Iran. While exact figures are not available, it is likely that more than half of the Afghan refugee population in Iran was in fact born there.¹⁵ Indeed, with more than three decades having elapsed since the arrival of the first wave of refugees, Iran is now host to second- and third-generation Afghans who speak with authentic Farsi dialects.¹⁶

Afghans in Iran: Integration, Identity and Return" Kabul: Afghanistan Research and Evaluation Unit (April 2008), p.12.

¹⁰ Amayesh I (2003) was followed by Amayesh II (2005), Amayesh III (2007), Amayesh IV (2008/2009) and Amayesh V (2009/2010).

¹¹ The results of the fifth and sixth Amayesh registration exercises have not yet been published by BAFIA. These Amayesh registrations each had a validity of ten months, compared to the six months' validity of previous exercises. BAFIA is likely to issue a twelve month validity for Amayesh VII, which will commence in May 2011.

¹² The cost of renewal is circa US\$5, while municipality taxes for refugees vary from province to province. In Tehran province, for example, the annual municipality tax amounts to approximately US\$170 per family. The Iranian government does provide discounts for vulnerable families.

¹³ Personal communication, UNHCR Tehran, July 1, 2010.

¹⁴ It is important to note that many Pashtuns living in Iran will speak either basic or no Farsi. The latter pertains especially to women and girls who in accordance with traditional Pashtun cultural practices, tend to be home-bound and to therefore have limited interaction with Iranian society. Pashtun men employed in the general workforce are more likely to understand basic Farsi as are male Pashtun refugee youths, who were born in Iran or have been living in Iran since early childhood, who learned Farsi at Iranian schools. The conservative culture of Pashtuns living in Iran means that many girls do not attend school, even if free education is offered by the Iranian government.

¹⁵ A 2006 ILO-UNHCR study found that more than 53% of the sampled Afghan population (1,505 households in ten Iranian cities) was born in Iran. See P. Wickramasekara *et al.*, "Afghan Households and Workers in Iran: Profile and Impact," p. 5.

¹⁶ As a consequence, many Afghan returnees with strong Iranian Farsi accents may face discrimination by Afghans who never left Afghanistan and consider these returnees as "outsiders" in their communities.

With the identification in 2007 of many Iranian provinces, especially those near the Afghan border, as “No-Go” areas,¹⁷ many Afghan refugees (former Amayesh IV card holders) were instructed to relocate to provinces specifically designated for their residence.¹⁸ The Iranian government has thus far been patient with refugees’ subsequent attempts at relocation, given that some Afghans who were not accepted by their new host provinces, were compelled to return to their original residence in a “No-Go” area. Nevertheless, all Afghans are aware that non-compliance with relocation may be grounds for deportation.

Education Opportunities for Afghan Children

Iran continues to provide educational opportunities to Afghan refugee students up to pre-university level, a generosity which has been one of the greatest assets for repatriating Afghans. Until circa 2005, Afghan refugees had the option to enrol in either Iranian schools or in Afghan-run private schools, which also admitted undocumented Afghans. While not approved by the Iranian government, these Afghan-run schools were registered with the Afghan Embassy in Tehran. This situation changed in 2006, when Afghan refugee children were permitted to enrol in Iranian schools only following the payment of basic school fees; Afghan-run schools were closed and undocumented Afghan children generally prohibited from enrolling in any school at all.

However, following a decree issued by President Mahmud Ahmadinejad on August 26, 2009, all Afghan children, including undocumented Afghans, have been permitted to enroll in Iranian schools once their family has registered with BAFIA and paid school fees.¹⁹ Afghan parents have to pay approximately US\$30 per child for elementary and secondary (Guidance) schooling per year. According to the Iranian government, since this decree, 60,000 undocumented Afghan children have taken up this opportunity to attend school.²⁰

Since then, in early 2010, undocumented Afghan children who enrolled in 2009 were still able to continue with their education, but those who did not enrol in 2009 were no longer permitted to register and enrol.²¹ The Iranian government claims that in the school year 1388–1389 (2009/2010), 248,739 Afghan students attended Iranian schools,²² an alleged increase of 8%

¹⁷ The Iranian government decided to establish “No-Go” areas for a number of reasons which vary from province to province. Along Iran’s eastern border with Afghanistan and Pakistan for example, the restriction is related to security and drug-smuggling issues. The designation of other provinces or districts as “No-Go” areas may reflect economic or social variables.

¹⁸ Currently there are 30 restricted zones for Afghans in Iran, comprising either entire provinces (ep) or restricted areas within a province (ra): East Azerbaijan, West Azerbaijan (ep), Ardabil (ep), Isfahan (ra), Ilam (ep), Boushehr (ra), Chaharmahal o Bakhtiari (ep), South Khorasan (ra), Razavi Khorasan (ra), North Khorasan (ep), Khuzestan (ep), Zanjan (ep), Semnan (ra), Sistan Baluchistan (ep), Fars (ra), Ghazvin (ra), Kurdistan (ep), Kerman (ra), Kermanshah (ep), Kohgiluyeh-o Boyer-Ahmad (ep), Golestan (ra), Guilan (ep), Lorestan (ep), Mazandaran (ra), Markazi (ra), Hormozgan (ra), Hamedan (ep), and Yazd (ra).

¹⁹ Following this decree, BAFIA also approved a UNICEF project for the basic education of 2,000 Afghan children in Karaj, Mashad and Tehran. This project is being implemented by six Iranian NGOs and the agreement with BAFIA will be renewed on an annual basis.

²⁰ Personal communication, UNHCR Tehran, April 2010.

²¹ According to the Afghan Embassy in Tehran, undocumented Afghans were prohibited altogether from attending Iranian schools by the later part of 2010. Personal communication, Embassy of Afghanistan in Tehran, December 2010.

²² The figure is comprised of 3,814 pre-school students (not mandatory), 153,548 elementary school students, 57,301 secondary (Guidance) school students, 31,129 high school students, 2,947 pre-university students. 220 tertiary students are on scholarships provided by UNHCR through the Albert Einstein German Academic Refugee Initiative Fund (DAFI), a program funded by the German government. In addition, 200 Afghan students

over the previous year. In addition to these pre-university students, approximately 4,000 Afghan theology students are studying in Iran.²³

Undocumented Afghans in Iran

Both available statistics and anecdotal evidence indicate that undocumented Afghans living in Iran represent more than twice the number of registered Afghan refugees. The Iranian government estimates that between 1.5 and 2 million illegal Afghans live in Iran, 340,000 to 480,000 of whom live in Tehran province alone.²⁴ These Afghans are primarily single men originating from areas in Afghanistan with high unemployment. While most come to Iran for a short stay of one to two years, many move backwards and forwards between the two countries over longer periods of time.

According to sources in Afghanistan,²⁵ at least 286,662 undocumented Afghans were deported from Iran between January 1 and December 31, 2010. In 2010, the average number of daily deportations was 785 Afghans as compared with 937 in 2009 and *circa* 2,000 in 2007. It is important to bear in mind that while deportations are being conducted on a daily basis, an equal number of Afghans are attempting to enter Iran illegally in the hope of finding employment.

The illegal presence of Afghans in Iran places an additional financial burden on the Iranian government. In fact, it has been estimated that every Afghan living in Iran, whether a refugee or an illegal migrant worker, costs the Iranian government at least two dollars per day.²⁶

In addition, the Iranian government claims that illegal Afghans pose threats to its national security, especially given their possible contact with insurgents and narco-traffickers near the Afghan border. In 2007, when the Afghan government failed to heed Iran's ongoing demands that it address the issue of illegal entry along the 936-km. joint border, the Iranian government, for the first and thus far only time, enforced a mass deportation of undocumented Afghans via its disciplinary forces.²⁷ This sudden influx of a large number of deported Afghans not only strained the capacity of the Afghan Ministry of Refugees and Repatriation, but even had political repercussions, with the Afghan Parliament issuing a vote of no-confidence against the incumbent Ministers of Refugees and Repatriation and of Foreign Affairs. While the Minister of Refugees and Repatriation subsequently resigned, the vote of no-confidence against Foreign Minister Rangin Dadfar Spanta was never accepted by President Hamid Karzai.²⁸

are studying for a BA program at Iranian universities and for the first time, 20 students were provided with MA scholarships in 2010.

²³ Personal Communication, Afghan Embassy in Tehran (February 2010).

²⁴ *Kayhan*, "Plan on Regularization of the Foreign Nationals" (July 6, 2010), <http://kayhannews.ir/890415/14.HTM#other1404>.

²⁵ Personal Communication, UNHCR Afghanistan (September 7, 2010).

²⁶ BAFIA's Director General Ghaemi stated on February 23, 2008 that "Each year, Iran is spending USD two billion for Afghans in Iran, a major part of which is being allocated for transport, health, fuel and education," (www.aryanews.net/Default.aspx?cod=1020082123000233).

²⁷ During 2007, 360,998 undocumented Afghans were deported from Iran by its disciplinary forces. See N. Majidi, "Research Study on Afghan Deportees from Iran," Kabul: ILO-UNHCR Cooperation Towards Comprehensive Solutions for Afghan Displacement (August 2008), p. 68.

²⁸ BBC, "Vote of Non-Confidence by Wolesi Jirga to Spanta" (May 13, 2007), www.bbc.co.uk/persian/afghanistan/story/2007/05/070513_v-spanta_karza_analysis.shtml.

Voluntary and Spontaneous Repatriations

In the *circa* eight-year time-frame, since the commencement of the voluntary repatriation program for Afghan refugees in April 2002 until January 2010, approximately 1.9 million Afghans returned to Afghanistan both with the assistance of UNHCR and as spontaneous returns (i.e. undocumented Afghans who returned without the assistance of UNHCR).²⁹ However, since 2008, the number of voluntary repatriations has dramatically fallen. While approximately 3,600 Afghans returned voluntarily with the assistance of UNHCR in 2008³⁰ and 5,978 refugees in 2009,³¹ only 1,253 Afghans decided to repatriate with the assistance of UNHCR in the first quarter of 2010.³² The repatriation of Afghan refugees is therefore proving to be an increasingly difficult challenge for BAFIA and UNHCR.

The fact that the majority of Iranian-born Afghans, especially Dari/Farsi-speaking Sunni Tajiks and Shia Hazaras, have been exposed to and largely absorbed Iran's culture and way of life through schooling and employment has helped their acculturation but at the same time, complicates their repatriation. For many, the idea of returning to rural areas in Afghanistan which most commonly offer extremely basic infrastructure, social services and employment opportunities, is daunting. In addition, Iranian-educated graduates are not infrequently exposed to varying degrees of prejudice upon their return to Afghanistan. And yet, while many younger Afghans prefer to remain in Iran primarily for its greater economic opportunities, this does not mean that they do not have a longing to return to their *watan* (homeland). Attempts to encourage Afghan university graduates to voluntarily repatriate are important, such as the IOM program funded by the Japanese government, which is aimed at facilitating the return of more than 100 skilled Afghans from Iran to Afghanistan's public and private sector.³³

In addition to UNHCR-assisted voluntary repatriations of refugees, more than 250,000 undocumented Afghans return spontaneously to Afghanistan each year.³⁴ By applying for an exit Laissez-Passer from the Afghan embassy or consulate in Mashad, undocumented Afghans have the opportunity to return to Afghanistan, via self-funded transport to the Afghan border, without being penalized by Iran's disciplinary forces. According to the Afghan embassy in Tehran, on average between 600 and 1,000 single Afghans apply for a Laissez-Passer every day.

In addition, it is important to note that there are refugees who repatriate without BAFIA's or UNHCR's assistance but who are not considered to be spontaneous returnees. The number of these persons is unclear, but they represent those refugees who decide to return to Afghanistan "illegally" in order to keep open their refugee status in Iran.

²⁹ From April 2002 until October 2010, UNHCR assisted the return of 873,116 refugees. Personal communication, UNHCR Tehran (August 2010).

³⁰ UNHCR, "UNHCR seeks US\$18 million to Assist Afghan Refugees in Iran" (June 1, 2010), www.unhcr.org/4c052d946.html.

³¹ The repatriation figure for 2007 is higher due to the additional return of 1,538 Baluch from the Bardsir refugee camp in Kerman province to Sar-i Pul province in Afghanistan.

³² UNHCR, "Fact Sheet Islamic Republic of Iran" (August 31, 2009 and July 12, 2010); United States Committee for Refugees and Immigrants, *World Refugee Survey 2009–Iran* (June 17, 2009), www.unhcr.org/refworld/docid/4a40d2a84a.html.

³³ The program is called "Pilot Project to Promote Return and Socio-Economic Reintegration of Skilled and Semi-Skilled Afghans from Iran."

³⁴ Personal communication, Afghan Embassy in Tehran (May 2010).

Why Afghan Refugees Remain in Iran

The majority of Afghan refugees living in Iran have opted to continue to accept the hospitality of the Iranian government and not to repatriate voluntarily. The decision of a group of Afghans, such as an extended family or part of a tribe or sub-tribe, to repatriate most usually reflects the resolve of a tribal or community leader from a refugee camp or Afghan colony to return to Afghanistan. For example, in 2009, a group of 1,538 ethnic Baluch from a refugee camp in Kerman chose to return to their home province of Sar-i Pul in northern Afghanistan.³⁵

Conditions in Afghanistan are far from ideal in attracting potential returnees from Iran. The Afghan government's slow process of allocating land to eligible landless returnees has certainly been a key factor in discouraging refugees from initiating their return. Other important variables such as the acculturation of Afghan refugees to an Iranian lifestyle, with many of the benefits of an advanced modern society, the deteriorating security environment in some Afghan provinces, the complexity of political, ethnic, tribal, and sectarian allegiances, as well as poor economic possibilities in Afghanistan have led the repatriation process to virtually stall.

The reasons underlying limited repatriation may be summarized as:

- (1) Many Afghans have no homes/land to return to in Afghanistan. While assistance is available from the Afghan government for eligible landless Afghans, many potential returnees would require legal assistance to clarify complex land titles that were approved during Afghanistan's period of internecine warfare.
- (2) There are no or only few employment opportunities for returnees in Afghanistan, especially in rural areas away from larger economic centers.
- (3) The precarious and, in some areas, deteriorating security environment in Afghanistan does not encourage sustainable repatriation.
- (4) Only limited livelihood opportunities exist in Afghanistan, especially in rural areas. Living conditions in Iran continue to be considerably better with access to basic health care, education, employment and affordable housing in a secure environment.

Iran's Policies Towards Refugees and Undocumented Afghans

Since 2002, Iran's main refugee policy has been voluntary repatriation. However, the low voluntary return of Afghan refugees since 2008 has led the Iranian government to modify its position. The Tripartite Commission meetings, which served as a mechanism to advance voluntary repatriation, were first initiated in 2002 between the governments of Iran and Afghanistan and UNHCR and were then held regularly until 2008. After a stalemate of almost two years, a Tripartite Commission meeting was again held in Mashad on June 28, 2010. As with previous tripartite meetings, the Iranian government reiterated its main refugee policy, that is, the continued voluntary repatriation of refugees to Afghanistan. Among a range of other outcomes, this meeting resulted in an agreement for UNHCR to reopen four voluntary repatriation centers.³⁶

³⁵ This group belongs to a special minority group of ethnic Shia Baluch Afghans. The majority of Baluch living in Afghanistan, Iran, and Pakistan are Sunni Muslims.

³⁶ These voluntary repatriation centers will be located in Tehran, Khorassan Razavi, Isfahan, and Fars Province.

In addition, since 2009 and reflecting its recognition of the low rate of repatriation and the likelihood that some Afghans living in Iran may not be willing to return, the Iranian government has explored new approaches to address issues related to refugees and undocumented Afghans.

While Afghan refugees in Iran have been managed with the minimal involvement of the international community, that is, mainly through assistance provided by UNHCR, WFP, and IOM, in the last year and a half, BAFIA has convened two international symposia on refugees and repatriation. As an outcome of these conferences, the Iranian government is in the process of accrediting two international NGOs (Norwegian Refugee Council and the Danish Refugee Council), to implement some Afghan refugee-related programs in Iran.³⁷

Even more noteworthy, however, was the announcement on 1 November 2009 by Brigadier-General Esmail Ahmadi-Moghaddam, the former Secretary-General of Iran's Drug Control Headquarters (April 2007–August 2010) and current Chief of Iran's Police (since September 2005), of plans to legalize the presence of Afghans via Iran's Ministry of Labor and Social Affairs.³⁸

Following this statement, the Iranian government signalled its further interest in advancing this issue and finding alternative options to the ongoing illegal entry of Afghans into Iran. On June 29, 2010, BAFIA's Director-General Ghaemi stated that the Iranian Supreme National Council had approved a plan for BAFIA to regularize the presence of illegal Afghan immigrants in Iran and thereby prevent further illegal migration.³⁹ Many Afghans who cross the Afghan border illegally attempt to evade Iran's disciplinary forces by using the services of human smugglers, at a current rate equivalent to *circa* 300 Euros. Seeking to clamp down on this illegal trade, the Iranian government is contemplating legalising the entry of Afghan workers and regularizing work and labor permits.

Afghans Working in Iran

Despite the high costs incurred by Iran as host to one million refugees and more than twice that number of illegal migrants, there is no doubt that it also benefits from the presence of Afghans, primarily in terms of easy access to blue-collar laborers who are willing to work.

According to Deputy Minister of Interior Ali Abdollahi, approximately two million documented and undocumented Afghans were employed in the labor market in 2010.⁴⁰ Even so, according to a 2006 ILO-UNHCR study, Afghans of working age in Iran "account for only 1.8 percent of the total active labor force in Iran."⁴¹

Since their influx to Iran since the late 1980s, Afghan refugees have been permitted to work in those sectors of the Iranian labor market which could not easily be filled by Iranian workers.

³⁷ The International NGO Symposium "Critical Needs of Refugees and Repatriation from Iran" was held in Tehran May 4–5, 2009. The follow-up meeting, "International NGO Gathering and Working Groups on Addressing the Needs of Refugees in Iran," took place in Tehran from May 10–11, 2010.

³⁸ Iran, "Chief Police Commander: Presence of Afghans in Iran Should Take a Legal Form" (November 2, 2009), www.iran-news.com/1388/8/11/Iran/4352/Page/1/?NewsID=30017.

³⁹ IRNA, "The Plan for Regularization of Illegal Afghan Nationals Will Soon Be Launched," www.irna.ir/View/FullStory/?NewsId=1201438.

⁴⁰ Iran Daily, "Kabul Urged to Help Repatriate Refugees" (July 8, 2010). www.iran-daily.com/1389/4/17/MainPaper/3724/Page/3/?NewsID=20535.

⁴¹ P. Wickramasekara, *et al.*, "Afghan Households and Workers in Iran: Profile and Impact," p. 5.

Indeed, by and large, the Iranian government has “generally tolerated the presence of Afghans working in areas where labor shortages have existed.”⁴² For the most part, these employment opportunities are generally in areas which are physically demanding, such as sectors pertaining to the construction industry, and often dangerous.

Given Iran’s extensive employment market, primarily in the construction, agricultural and general manual labor sectors, it is not surprising that many Afghans from regions of high unemployment in Afghanistan continue to be attracted to Iran. Indeed, for many decades even prior to the Soviet invasion, it was a tradition in many regions of Afghanistan to send young villagers to Iran as migrant workers. In remote areas such as Afghanistan’s Central Highlands comprising Bamian and Daikundi provinces, youths continue to travel to Iran during the long and harsh winter months to seek seasonal employment.

Iran’s 1990 Labor Law mandated the Ministry of Labor and Social Affairs “to issue, extend, and renew work permits to the refugees, subject to the written agreements of the Ministries of Interior and Foreign Affairs”.⁴³ By late 2008, the Ministry of Labor introduced the first work permits for refugees, with male refugees between the ages of 16 and 60 encouraged to apply.⁴⁴ The Iranian government claimed that 300,000 of such work permits were issued.⁴⁵

On this basis, if Afghan refugees sought to find employment in Iran’s labor market, they were required to purchase short-term work permits at a cost of *circa* US\$70. In March 2009, the Iranian government increased the cost of a new permit to US\$500 or US\$300 for a permit renewal.⁴⁶ Given this increase in cost and the permits’ short validity,⁴⁷ the majority of Afghan refugees working in Iran have opted to work without valid permits. Currently, while the Iranian government is still finalising its labor policies, authorities seem to be tolerating refugees’ expired work permits.

The Iranian government is now making serious attempts to regularize the employment of all Afghans living in Iran. In January 2010, the country’s Minister of Interior Mostafa Najjar⁴⁸ suggested that foreigners may be able to work legally in Iran if they apply for a work visa from the Iranian embassy or consulates in Afghanistan and then deposit money with the Iranian embassy upon receiving the visa as a security bond (Ministry of Interior, 30 January 2010).⁴⁹ This policy is yet to be finalized.

⁴² M.J. Abbasi *et al.*, “Second-generation Afghans in Iran: Integration, Identity and Return,” p. 5.

⁴³ As quoted in United States Committee for Refugees and Immigrants. *World Refugee Survey 2009 – Iran* (June 17, 2009).

⁴⁴ Work permits were not granted to women.

⁴⁵ “Fees for issuance and extension of foreign nationals’ work permits have increased,” <http://mohajerinnewz.mihanblog.com/post/45>.

⁴⁶ The modification was applied as a result of Iran’s national budget law during the Iranian year 1388 (i.e., in force since March 21, 2009).

⁴⁷ The permits were initially only valid for three months and due to the fact that the issuance procedure took a long time, permits subsequently expired.

⁴⁸ Minister Najjar was appointed as Minister of Interior in September 2009 and in August 2010 he was also appointed as Secretary-General of the Drug Control Headquarters.

⁴⁹ Ministry of Interior, Islamic Republic of Iran. “Two Plans Regarding Foreign Nationals in Iran Announced by Minister of Interior” (January 30, 2010),

www.moi.ir/Portal/PrintPage/PrintPage.aspx?Object=News&CategoryID=832a711b-95fe-4505-8aa3-38f5e17309c9&WebPartID=dd8faff4-f71b-4c65-9aef-a1b6d0160be3&ID=14c32c54-99da-4d81-a5b5-8b20acc6d2c7.

The Iranian government has also regularly assured the Afghan government that labor visas for Afghan workers in Iran will be issued. Most recently, in a meeting with her Iranian counterpart in Geneva in June 2010, Afghanistan's Minister for Labor, Ameneh Afzali, reiterated President Ahmadinejad's promise to President Karzai, during his visit to Kabul in March 2010, that action will be taken on this issue.⁵⁰

In July 2010, another plan was proposed by BAFIA, namely the idea of guardianship, whereby private recruitment companies may be mandated to organize the entry, occupation and residence of foreigners in Iran. If approved, Iranian employment companies would be responsible for all administrative paperwork related to Afghan migrant work applicants.⁵¹

Further to this process, BAFIA announced in July 2010 that all undocumented Afghans could work legally in Iran in the future, if they participated in a registration process. A one month registration was conducted by BAFIA from July 24 to August 26, 2010 and approximately 1.5 million undocumented Afghans were registered.⁵² Details about the exact employment possibilities, however, are yet to be released. Newly registered undocumented Afghans are now awaiting further instructions as to how they may be able to obtain legal work permits.

The Iranian government needs to be commended for its attempts to regularize labor laws for Afghans and thereby curtail the black labor market and associated smuggling of Afghan workers into Iran. While these initiatives are extremely positive and welcome, the next step would be to ensure that all Afghan workers in Iran are safeguarded. A study commissioned by ILO-UNHCR in 2006 raised concerns about the social protection of Afghan workers in Iran, claiming that "more than 95% of Afghan employees do not have written employment contracts with their employers nor do they enjoy any benefits such as sick leave."⁵³ Work-related insurance covering accidents, unemployment, and retirement is rarely, if at all, supplied to Afghan workers.⁵⁴

Conclusion and Recommendations

The Iranian government should be commended for its generosity in hosting a significant number of Afghan refugees for three decades, as well as tolerating a large group of illegal migrant workers, who transfer essential remittances to their families in Afghanistan. With many areas in Afghanistan remaining insecure, Iran's continued hosting of refugees and tolerance of undocumented Afghans has eased the pressure on Afghan ministries to provide essential services to their citizens. Indeed, the return of all Afghans living in Iran would seriously strain and possibly even destabilize Afghanistan's fragile nascent democracy. Moreover, while continuing its policy of voluntary repatriation, the Iranian government is now taking positive steps to constructively address the ongoing problem of illegal Afghan migrant labor in Iran.⁵⁵

⁵⁰ IRNA, "Afghan Labour Minister: Iran Will Issue Labour Visa for Afghan Workers" (July 1, 2010), www.irna.ir/View/FullStory/?NewsId=1205383.

⁵¹ *Kayhan*, "Plan on Regularization of the Foreign Nationals."

⁵² Personal communication, UNHCR Iran (September 12, 2010).

⁵³ P. Wickramasekara *et al.*, "Afghan Households and Workers in Iran: Profile and Impact," p. 8.

⁵⁴ *Ibid.*, p. 88.

⁵⁵ Iran's proposed legalization of undocumented Afghans who participated in the 2010 census has not been finalized, but may lead to the issuance of short-term work permits on the condition that Afghans firstly return to Afghanistan and secondly apply for a visa with a valid Afghan passport.

It is key that the international community shares the responsibility of Iran's large Afghan refugee population. The management of Iran's refugee population should not be shouldered by its government alone and yet over the last three decades, Iran has received little financial or other assistance in this regard.⁵⁶ More specifically, it is recommended that international actors:

- Make available some cash funds to Afghan refugees who are affected by the introduction of Iran's new Five Year Economic Policy of subsidy removal and who are at risk due to the increase in cost of basic food items and other utilities.⁵⁷
- Increase financial support towards vocational training programs for Afghans in Iran.
- Encourage those Afghans prepared to voluntarily repatriate, especially if there may be the possibility of finding better living conditions and employment in Afghanistan.
- Encourage member states to increase their quota for the resettlement of Afghans from Iran.
- Acknowledge the interconnectedness of Afghan issues, such as the link between illegal migration and drug trafficking.

In addition to the responsibilities of international actors, there are several areas which the Iranian government could better address concerning its care and safeguarding of Afghan refugees and migrants in Iran, specifically:

- Continue to respect its obligations towards refugees under the UN Conventions and protect Afghan refugees who cannot safely return.
- Ensure that no *refoulement* takes place in regions where Afghans have been asked to relocate but for a variety reasons may not have been able to do so in a timely manner. Permit all documented Afghans to apply for drivers' licenses, bank accounts and insurance policies. The transfer of remittances by Afghan workers via Iranian banks would allow Iranian banks rather than the traditional *hawaleh* agents to profit.
- Ensure that the living and working conditions of Afghans meet minimum international standards.
- Ratify bilateral Memoranda of Understanding (MoU) with Afghanistan, especially on judicial agreements which were signed on May 28, 2006 ("Transfer of Prisoners between Iran and Afghanistan;" "Extradition of Offenders between Iran and Afghanistan;" "Judicial Cooperation between Iran and Afghanistan").
- Provide some benefits to Afghan refugees who, unlike Iranian citizens, are not eligible for cash payments to cope with the implementation phase of the subsidy removal policy. Minister of Interior Najjar stated that the international community could provide financial assistance if there were concerns about the impact of subsidy removals on Afghans.
- Investigate the incidence of drug abuse among Afghans in refugee camps and colonies. Given the increase in drug addiction in Afghanistan, especially among Afghans who recently returned from Iran and Pakistan, there is a strong likelihood that drug abuse has also increased in areas of Afghan settlements.
- Educate Afghans in Iran about the risks of drug consumption and offer treatment where required.

⁵⁶ UNHCR, *Global Report* (2008), p. 374.

⁵⁷ "Law on streamlining of Subsidies" passed by the Majlis on January 5, 2010. Entered into force on February 15, 2010 and was implemented in mid-December 2010.

While the Iranian government has already been generous by allowing Afghans to work, there is space to further recognize that migrant labor is an important aspect of Afghanistan's culture and is a survival strategy that also benefits Iran. Here the government could recognize that Afghans have made significant contributions to Iran's economy and that there is a genuine employer preference for Afghan workers in a range of manual labor sectors of the economy. In this spirit, the work of Afghans in Iran could be further facilitated in the following ways:

- Accelerate the issuance of longer-term work permits for Afghan refugees.
- Clarify the process of work permits and labor visas for Afghans living in Iran.
- Inform undocumented Afghans who participated in the recent registration process of what the next steps entail and how they can obtain legal work permits in Iran.
- Work towards bilateral migrant labor regulations that would be of benefit to both Afghan and Iranian economies.
- Expand the number job categories applicable to Afghans. Upon their return to Afghanistan, skills learned in diverse vocational areas in Iran would greatly benefit reconstruction efforts.
- Legalize migrant labor policies which would help reduce illegal migration.
- Issue Afghan workers with appraisals, skills certificates and/or diplomas upon completion of employment. Technical skills learned in various blue-collar sectors in Iran would help Afghans seeking employment upon their return to Afghanistan and may also assist Afghans to gain employment as migrant workers in other countries such as in the Persian Gulf.

Despite Iran's efforts to provide access to education for Afghan refugees, there are also areas in need of improvement in this sector:

- Encourage Afghan parents to refrain from tolerating child labor and from viewing their children as additional income-earners.
- Allow all Afghans, regardless of whether they are documented or undocumented, to enrol in Iranian schools. Any returnee with an education has a better chance of supporting Afghanistan's reconstruction efforts and is therefore more likely to find employment upon return than an uneducated or poorly educated Afghan.
 - Encourage Afghan families to enroll their children in school and to take advantage of the benefits of education in Iran.
 - Ensure that the cost of school enrolment fees is affordable for all Afghans. Many refugee families have four to five children, making the enrollment of all children very expensive.
 - Encourage more Afghan students to reach basic and intermediate schooling. Assist families of more than one child to encourage them to stay at school.
- Provide language training to non-Dari/Farsi-speaking Afghans such as Pashtun families and in particular women. Given that many Afghans in Iran are not native Dari- or Farsi-speakers, parents of such groups may be less likely to encourage their children to go to Farsi schools and thus may be disadvantaged.
 - Pay special attention to children from families without Farsi skills.

- Safeguard the rights of children who have Afghan fathers and Iranian mothers, so that they will have access to education.

Developing mechanisms to increase voluntary repatriation of Afghan refugees in the spirit of regional cooperation is a key area where more collaboration between international actors, the UN and other relevant organizations, as well as the Afghan government could be improved, such as possible joint assessments and operations.

- Encourage BAFIA to include more details in their registration exercises (e.g. tribal affiliation, district of origin) which would help joint programs on repatriation.
- Share refugee statistics with relevant UN entities (e.g., collaboration between BAFIA and UN to seek ways to jointly repatriate Afghans).
- Cooperate with the government of Afghanistan and the United Nations to identify Afghans who may be able to return to areas that are safe, which have prospects for employment projects such as the construction of factories and which may have completed land allocations to eligible landless returnees.
- Assist the Afghan government to create adequate employment and housing in Afghanistan so that Afghans living in Iran are more willing to voluntarily repatriate.
- Encourage the Afghan government to open up more employment opportunities in Afghanistan for qualified Afghan graduates currently living in Iran.

That being said, as many young Afghans have become accustomed to Iranian culture and living conditions and are unlikely to return to Afghanistan, international actors could assist Iran in developing a strategy to nationalize Afghans who have never been to Afghanistan and who are unlikely to return (e.g., second- and third-generation Afghans).