

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	624
Land:	Iran
Kilde:	British Home Office
Titel:	Country Information and Guidance. Iran: Illegal Exit
Udgivet:	Januar 2016
Optaget på baggrundsmaterialet:	13. juni.2016



Home Office

Country Information and Guidance

Iran: Illegal Exit

Version 3.0

January 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Preface	2
Contents.....	3
Guidance.....	4
1. Introduction	4
1.1 Basis of Claim	4
2. Consideration of Issues	4
2.1 Is the person's account a credible one?	4
2.2 Are those who have left Iran illegally at risk on return?	4
2.3 Are those at risk able to seek effective protection?	5
2.4 Are those at risk able to internally relocate to escape the risk?	5
2.3 If refused, is the claim likely to be certifiable as 'clearly unfounded'?	5
3. Policy summary	6
Country Information.....	7
4. Entry and exit procedures	7
4.1 Entry procedures	7
4.2 Exit procedures	8
4.3 Procedures for women	10
5. Treatment of returnees who exited illegally	13
Version Control and Contacts.....	18

Guidance

Updated: 13 January 2016

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm by the Iranian authorities because the person left Iran illegally.

2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 For further information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

2.2 Are those who have left Iran illegally at risk on return?

- 2.2.1 The Iranian government requires all citizens to have exit permits for foreign travel (see [Exit procedures](#)). A woman must have the permission of her husband, father, or other male relative to obtain a passport (see [Procedures for women](#)). Some citizens, particularly those whose skills are in demand and who were educated at government expense, have additionally to post a bond to obtain an exit permit. Those who leave Iran illegally without an exit permit face being fined on return or sentenced to between one and three years' imprisonment. (see [Exit procedures](#)).
- 2.2.2 In the country guidance case of [SB \(risk on return-illegal exit\) Iran CG \[2009\] UKAIT 00053](#) (16 December 2009), the Tribunal held that Iranians facing enforced return do not in general face a real risk of persecution or ill-treatment. That remains the case even if they exited Iran illegally. Illegal exit may however add to the difficulties an applicant would face if they had attracted the adverse attention of the authorities for another reason (para 53(ii)).
- 2.2.3 The Tribunal in [SB](#) further found that:
- Being a person who has left Iran when facing court proceedings (other than ordinary civil proceedings) is a risk factor, although much will depend on the particular facts relating to the nature of the offence(s) involved and other circumstances. The more the offences for which a person faces trial are likely to be viewed as political, the greater the level of risk likely to arise as a result... the degree of risk varying according to the nature of the court proceedings, being involved in ongoing court proceedings is not in

itself something that will automatically result in ill-treatment; rather it is properly to be considered as a risk factor to be taken into account along with others (para 53(iii))

- Being a person involved in court proceedings in Iran who has engaged in conduct likely to be seen as insulting either to the judiciary or the justice system or the government or to Islam constitutes another risk factor indicating an increased level of risk of persecution or ill treatment on return (para 53(iv)).
- Being accused of anti-Islamic conduct likewise also constitutes a significant risk factor (para 53(iv)).

2.2.4 Although not country guidance, the Upper Tribunal in the reported case of [AB and Others \(internet activity – state of evidence\) Iran \[2015\] UKUT 257 \(IAC\) \(30 April 2015\)](#) stated that “A person who was returning to Iran after a reasonably short period of time on an ordinary passport having left Iran illegally would almost certainly not attract any particular attention at all and for the small number of people who would be returning on an ordinary passport having left lawfully we do not think that there would be any risk to them at all. However, as might more frequently be the case, where a person’s leave to remain had lapsed and who might be travelling on a special passport, there would be enhanced interest. The more active they had been the more likely the authorities’ interest could lead to persecution.” (paras 470 - 471)

2.2.5 For further guidance on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Are those at risk able to seek effective protection?

2.3.1 As the person’s fear is of ill treatment/persecution at the hands of the state, it is unreasonable to consider they would be able to avail themselves of the protection of the authorities.

2.3.2 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.4 Are those at risk able to internally relocate to escape the risk?

2.4.1 As the person’s fear is of ill treatment/persecution at the hands of the state, they cannot be expected to internally relocate to escape that risk.

2.4.2 For further information on the factors to consider and considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.3 If refused, is the claim likely to be certifiable as ‘clearly unfounded’?

2.3.1 Where a claim based solely on the person’s illegal exit from Iran falls to be refused, it is likely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002. This is because any punishment of illegal exit would not generally amount to persecution. However if the person has attracted the adverse attention of the authorities

for any other reason then the claim is unlikely to be certifiable under section 94 of the 2002 Act as the majority of such claims will not be so clearly without substance that they are bound to fail.

- 2.3.2 For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 **The consequences of illegal departure from Iran are not of themselves sufficiently serious as to warrant international protection.**
- 3.1.2 **Illegal exit may be an aggravating factor in other categories of claim particularly where the person is facing court proceedings in Iran or has otherwise come to the adverse attention of the authorities - for example being accused of anti-Islamic or anti-government conduct - and as such is a risk factor which must taken into account. The more active the person has been in such activities, the more likely the authorities' interest could lead to persecution.**
- 3.1.3 **Where a claim is based solely on the person's illegal exit from Iran it is likely to be certifiable as 'clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002.**

[Back to Contents](#)

Country Information

Updated: 13 January 2016

4. Entry and exit procedures

4.1 Entry procedures

- 4.1.1 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information provided by the International Organisation for Migration's (IOM) Tehran office, who operated 'an Assisted Voluntary Return (AVR) programme world wide'. The IOM stated that:

'Iranians who return with their passports will not face any problem at the airport when they return after a longer stay abroad. It was added that a long stay abroad in itself, is not an issue as long as a person has left the country legally. ... Iranians who have left the country on their passports and are returned on a Laissez-passer will be questioned by the Immigration Police at the airport. This questioning may take few hours, but according to IOM nobody has been arrested when travelling back on a Laissez-passer.'

The IOM provided the following information about the persons who had returned to Iran under its AVR; 'The majority of people who have returned to Iran under this programme from various countries including Switzerland, Norway, Belgium, Australia, Indonesia (people who were on the way to Australia) and the Netherlands are according to IOM, people who have been looking for a better life, studying opportunities, and people who have family abroad.'

The joint report continued: 'When asked specifically to the situation of deportees, IOM stressed that they are only dealing with voluntary return and have no knowledge on the situation of deportees if any. ... IOM stated that so far, they have not had any experience with people being arrested by the authorities at the airport. IOM added that if persons have been involved in criminal activities abroad and are on the Interpol list, it is another issue.'¹

- 4.1.2 A February 2010 report from the Christian Science Monitor stated that;

'Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.'

'Those on the list are normally allowed entry, only to have their movements inside the country monitored and [later] be arrested at the airport when they

¹ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.68- 69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 15 September 2015]

are leaving Iran,” said Nader Uskowi, a Washington-based Iran expert and consultant to the US government on Afghanistan.’

‘The Christian Science Monitor also reported that while Imam Khomeini International Airport in Tehran was fitted with cameras ‘it is unknown whether they are equipped with facial recognition technology or the equipment to machine-read passports. Officers tap names and passport codes manually into their computers’. In addition, it was noted that airport authorities ‘may also be alerted to Individuals of interest when their tracked cell phones enter the airport cell phone towers’ coverage area’. It was also stated that ‘spotters keep watch for up to 200 suspects whose pictures they memorize’.²

[Back to Contents](#)

4.2 Exit procedures

4.2.1 The US State Department’s, ‘Country Reports on Human Rights Practices 2014 – Iran’, released on 25 June 2015 stated that:

‘The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during 2014.’³

4.2.2 The Research Department of the Immigration and Refugee Board of Canada, stated in a response to a request regarding exit and entry procedures that ‘Sources note that unless they are exempt, military service in Iran is mandatory for males aged 18 to 34, including dual citizens... Young men of 17 years of age will be prevented from leaving Iran until they have completed their military service.’⁴

4.2.3 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint fact finding mission report referred to information provided by Mr. Hossein Abdy Head of Passport and Visa Department who explained that:

‘Some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young

² Christian Science Monitor, How Iranian dissidents slip through Tehran’s airport dragnet, 7 January 2010, <http://www.csmonitor.com/World/Middle-East/2010/0208/How-Iranian-dissidents-slip-through-Tehran-s-airport-dragnet> [accessed 15 September 2015]

³ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 2d, 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598> [accessed 14 September 2015]

⁴ Immigration and Refugee Board of Canada 2013, IRN104624.E - Iran: Exit and entry procedures at airports and land borders, particularly at the Imam Khomeini International airport; whether authorities alert border officials of individuals they are looking for; incidence of bribery of Iranian border officials to facilitate departure; the punishment for border officers caught taking such bribes (2009-October 2013), <http://www.irb.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454849&pls=1> [accessed 14 September 2015]

man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad. Additionally, persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case.⁵

'When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban.'⁶

4.2.4 The same report quotes a source at 'a Western embassy' on the implications of a person leaving the country while out on bail as stating 'that it had read about political cases in which relatives in Iran are put under serious pressure from the authorities. Such persons could be forced to sign papers concerning the person that has left on bail, e.g. what he or she has done or said.' The report also quotes 'two Iranian lawyers with criminal law experience' as stating 'that if a person departs the country while on bail, he or she may be tried in absentia. If he or she then returns and the legal procedure for confiscation of bail in the meantime is completed, he or she upon return should serve the remaining prison sentence. The sureties of the bail are not given back. It was added that if a person is tried in absentia, he or she has the right to appeal the case.'⁷

4.2.5 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information provided by the consular officers of the U.S. embassy in Ankara who noted that:

'After the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country

⁵ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

⁶ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

⁷ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, p.63 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 6 October 2015]

before having completed his military service is able to deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.'

'It was added that by pulling passports, the authorities are able to put pressure on political types such as artists, directors, journalists and are thereby giving them no option to leave. This is as a way of keeping them compliant.'⁸

- 4.2.5 Amnesty International's International Secretariat (AIS) told the Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report that:

'The organization had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.'⁹

- 4.2.6 On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy, told the Danish Refugee Council, Landinfo and the Danish Immigration Service that; 'there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.'¹⁰

[Back to Contents](#)

4.3 Procedures for women

- 4.3.1 The Iran Human Rights Documentation Centre's (IHRDC) article on 'Gender Inequality and Discrimination: The Case of Iranian Women', 8 March 2013, stated that;

'The traditional authority of men (fathers and husbands) over girls and women sometimes takes modern forms. Under Iranian laws, a woman, if married, needs her husband's consent to obtain a passport and travel outside the country. Husbands can forbid their wives from leaving the country by refusing to sign the papers that will allow them to apply for a

⁸ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

⁹ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

¹⁰ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69-70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 14 September 2015]

passport and travel. According to Article 18 of Passport Law 1973: "A passport shall be issued for the following persons according to this article: ... 3-Married women, even if under 18 years old, with the written agreement of their husbands..."¹¹

- 4.3.2 Al Monitor report that; 'Married Iranian women, even if they hold a valid passport, require their husband's permission to depart the country, regardless of age. For obtaining or renewing a passport, a notarized permit from the spouse is required. Husbands can easily refrain from allowing their wives to obtain or renew their passport.'¹²
- 4.3.3 The IHRDC article of March 2013 also states that;
- 'According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives' passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge. As natural guardians, fathers can also forbid their underage children from leaving the country. Wives and mothers do not have the same right.'¹³
- 4.3.4 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint fact finding mission report referred to information provided by Mr. Hossein Abdy, Head of Passport and Visa Department who explained that: 'The purpose of the law is to protect the family as an entity...the consent given by the husband is valid for five years, i.e. the length of time that the passport is valid. When asked if such a consent given by the husband can be annulled, it was further explained that a husband that has an outstanding issue with his wife has the option of going to the courts in order to get the consent annulled. However, if the husband is living outside of Iran, he cannot get his consent annulled.

Regarding the permission a woman has to have from her husband in order to travel, a well-educated Iranian woman with links to international communities explained that her husband would sign a form before a notary public. The husband would consent to either a single exit or unlimited exits by ticking either the 'one time only' box or the box 'permanently'. But even if consent was given 'permanently', it would only

¹¹ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [accessed 15 September 2015]

¹² Al Monitor, Iranian women fight efforts to restrict travel abroad, 2 February 2014 <http://www.al-monitor.com/pulse/originals/2014/01/iran-women-restrictions-travel-rights.html#ixzz3lo7cja00> [accessed 15 September 2015]

¹³ Iran Human Rights Documentation Centre, Gender Inequality and Discrimination: The Case of Iranian Women, 8 March 2013, <http://iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html> [accessed 15 September 2015]

take a phone call to the Airport Security or a letter to prevent the wife from exiting Iran. The husband could call any level of Airport Security, be directed to the right person, revoke the consent and prevent his wife from leaving. He would be asked to send in a handwritten statement as well as a copy of his identification card (Kart e- Melli). This could be arranged from the time the wife left the house to before she had arrived to the airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave.¹⁴

- 4.3.5 The same report cited a 'A well-educated Iranian woman with links to international communities' who 'stated that if a woman leaves Iran with her children without the consent of their father, this is considered a criminal and a civil offence. Even if the mother has custody of the children, the consent from the father is necessary in order to take the children out of Iran. If the woman returns to Iran, she would most likely be given a fine for the illegal exit. Illegal exit would not lead to jail. She could also face a civil case in a family court as a result of taking the children out of the country without the father's consent, but the result here would also not be a prison sentence. The source mentioned that courts differ depending on geography and the financial situation of the parties involved, but even outside Teheran she did not think that a prison sentence would be the result. She had not heard of prison sentence given to a mother after she had returned with her children, however, the source added that she would not rule out that this could happen if the father was rich or powerful enough and angry enough even after his children were returned to him.'¹⁵
- 4.3.6 In September 2015, the Guardian newspaper reported: 'The captain of an Iranian women's football team is to miss a forthcoming Asian championships because her husband would not allow her to renew her passport. In a case highlighting Iran's discriminatory law that requires married women to have permission from their husband before travelling abroad, Niloufar Ardalan, 30, will not be able to join teammates for the AFC Women's Futsal Championship, an important showcase event in her 19-year career as a footballer.'¹⁶

[Back to Contents](#)

¹⁴ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, p.70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 6 October 2015]

¹⁵ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.70 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 6 October 2015]

¹⁶ The Guardian newspaper: Husband Bars Iranian Footballer from Asian Championships, 16 September 2015 <http://www.theguardian.com/world/2015/sep/16/husband-bars-iranian-footballer-from-asian-championships> [accessed 6 October 2015]

5. Treatment of returnees who exited illegally

- 5.1.1 The Danish Refugee Council, Landinfo and the Danish Immigration Service in their February 2013 joint report referred to information noted that:

‘Mr. Hossein Abdy, Head of Passport and Visa Department, stressed that the Iranian constitution allows for Iranians to live where they wish. It is not a criminal offense in Iran for any Iranian to ask for asylum in another country. He further stated that approximately 60% of Iranians who have asylum in other countries, travel back and forth between Iran and other countries.’¹⁷

- 5.1.2 The April 2009 Danish Immigration Service report made reference to information that had been provided by H. Mirfakhar, the Director General of Consular Affairs at Iran’s Ministry of Foreign Affairs. Mirfakhar stated that:

‘A person who has left Iran illegally and who is not registered on the list of people, who cannot leave Iran, will not face problems with the authorities upon return, though the person may be fined. Mirfakhar added that ‘a person who has committed a crime and has left Iran illegally will only be prosecuted for the crime previously committed and not for leaving the country illegally’.¹⁸

- 5.1.3 The Danish Immigration Service report of 2009 also made reference to information provided by ‘a western embassy’ which stated that:

‘A fine is given for leaving the country illegally’. The information read: The fine for illegal exit can run up to 50 million Iranian Rial which amounts to approximately 5,000 USD. To the knowledge of the embassy, people who have left Iran illegally are not detained upon return. The embassy did not know what happens if a person is unable to pay the fine.’¹⁹

- 5.1.4 A different ‘western embassy’ advised the Danish Immigration Service that ‘an Iranian citizen can return even if he or she has left the country illegally’, but that ‘the punishment a person might face upon return depends on the acts committed before leaving Iran’. The embassy also stated that ‘[a] fine may be given for illegal exit’ but that it ‘did not know the size of the fine’.²⁰

¹⁷ Danish Refugee Council, Landinfo and Danish Immigration Service 2013, Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February, pp.69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 15 September 2015]

¹⁸ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

¹⁹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [accessed 16 September 2015]

²⁰ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts,

- 5.1.5 An unnamed 'Attorney at Law' provided the following information to the Danish Immigration Service regarding the potential punishments for persons who return to Iran after departing the country illegally:

'The Attorney at Law confirmed that there is a fine for leaving Iran illegally. However, he believed the fine to be around 200-300 US dollars. It was added that if a person has outstanding issues with the authorities (other than leaving illegally) he or she may very likely be punished for these upon return. The punishment will be according to law. However, it may also come to a stricter punishment since the person has left Iran illegally. It was further explained that if a person continues to leave Iran illegally the penalty might rise accordingly. Hence, continuous illegal departures from Iran will result in harsher criminal punishment.'²¹

- 5.1.6 Gh. Mahdavi, the Director General of the Bureau of International Affairs at the Judiciary of the Islamic Republic of Iran advised the Danish Immigration Service that; 'the fine for leaving Iran illegally is a few hundred dollars and there is no other punishment'.²²

- 5.1.7 Dr Kakhki, a special adviser to the Centre for Criminal Law and Justice and Associate of the Centre for Iranian Studies at Durham University, stated the following in 'General report on risk of return' dated 5 December 2014:

'According to a new amendment of Article 34 of Passport Law (21/2/2010), any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 500,000 and 3 million Tomans (approx £108- £650). The assigned punishment in this article is called a "Taaziri" punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the "Taaziri" punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime.'²³

and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 [http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf)

[87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf) [accessed 16 September 2015]

²¹ Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 [http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf)

[87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf) [accessed 16 September 2015]

²² Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.36 [http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf)

[87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf](http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf) [accessed 16 September 2015]

²³ Dr Mohammad M.H. Kakhki, General report on risk of return, 5 December 2014, hard copy available on request.

- 5.1.8 Iran Human Rights Documentation Centre state that Article 34 of the Penal Code stipulates that ‘a ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application.’²⁴
- 5.1.9 The Danish Refugee Council and Danish Immigration service fact finding mission on Iranian Kurds and Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, dated 30 September 2013 consulted UNHCR Erbil who informed the delegation that:
- ‘The Iranian Kurds know the illegal paths across the border. If a Kurd who has left Iran illegally goes back, the consequences of his illegal exit will not be severe: If he was gone for less than six months, he would most likely be punished by a fine amounting to 80 USD and if he is gone for more than six months the fine will be 120 USD. A person who goes back to Iran will be interrogated and then released unless there is evidence found against him.’²⁵
- The same source also stated that when someone who has had political affiliation in Iraq voluntarily returns to Iran, ‘...he will be taken to the intelligence department and he will go through few interrogations. The person will then be taken to the revolutionary court where his political affiliation in Iraq will be determined. He will here be given a chance to sign a statement by which he promises that he will not be involved in political activities any more. If the court presents solid evidence against the person which shows that he has been involved in military operation and armed struggle, he will be punished but the punishment differs from case to case. In most cases, the punishment will be imprisonment. In the next step, the person will be taken to the public court for his illegal departure, and he will be fined for his illegal exit. UNHCR Erbil added, however, that the Iranian authorities may suspect Kurds who have stayed in KRI for a while of having been in contact with the exiled political parties.’
- 5.1.10 The same report addresses the conditions for people who return to Iran from KRI, and cites Reza Menuchehri of the Kurdish Human Rights Committee in Europe (KMMK) as seeing a division of three groups of people going back.
- ‘The first group consists of people who decide to go back to Iran because they may have lost their political motivations and their hope for political change or because their families in Iran may be under pressure by the authorities. The return of such persons is not necessarily coordinated with the authorities in Iran. They go back and surrender themselves to the regime even though they have participated in political activities and the regime may

²⁴ Iran Human Rights Documentation Centre, New Islamic Penal Code, 8 April 2014 <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html> [accessed 14 September 2015]

²⁵ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013 1.3. Consequences of conducting activities for the Kurdish political parties p. 68 http://www.nyidanmark.dk/NR/rdonlyres/D82120CB-3D78-4992-AB57-4916C4722869/0/fact_finding_iranian_kurds_2013.pdf [accessed 16 September 2015]

have obtained compromising information on them. They regret their past political activities and promise to the authorities that they will not engage in any political activities any more. These people will be considered a threat by the regime, maybe because they have run a campaign against the Iranian regime in KRI or because they have participated in a demonstration against the regime. Persons from this group are required to frequently report their whereabouts to the authorities in the first one month to two years after their return. The investigation about these people will be intense, and the authorities may even tell the person not to leave his or her own city or village during the investigation. During the investigation, the authorities will ask the person about his positions and titles in the party which the person has been active in. If he says that he has been a peshmarga, they will interrogate him in accordance with detailed maps and ask him to point to places relevant to his explanation. If the returnee says that as a peshmarga he guarded a specific place in KRI, the intelligence service may know whether or not there is a guard at that particular spot. The source added that since the Iranian intelligence has detailed information on members of oppositional political parties in KRI, the chances of lying one's way through the process are small. The source added that there are very few cases of members of oppositional groups who have resisted the torture under the investigation and have not confessed. People from this group may receive punishment depending on what they have done. The source said that this group consists of a low number of people.

'The second group consists of people who due to their poor living condition in KRI decide to go back to Iran. In Iran, they confess and regret their past political activities and promise to the authorities that they will not engage in any political activities any more. Previously, this group were often seen among the returnees, but nowadays, there are not so many of them as before. When this group goes back to Iran, the government tends to receive them at the border and bring them home. These families may due to their poor economic conditions have to cooperate with the regime and give the authorities information on activities of the oppositional parties in KRI or on relatives who are politically active. Families that choose to cooperate with the government could, according to Reza Menuchehri (KMMK), be dangerous since they will sometimes exaggerate and fabricate stories to please the Iranian government. They may be asked to go back to KRI in order to infiltrate political parties and organisations and gather new information for the regime and to encourage other refugees in KRI to do the same as them. People from this group do not receive a high financial support from the government for their cooperation.'

'The third group consists of people who go back to Iran and surrender themselves to the regime and promise not to do any activities against the regime. What makes these people different from the second group is that these are people with a good financial situation and for that reason, they do not need to cooperate with the regime. The source added that returnees in the second and the third group have in common that the regime does not have compromising information on them. If the investigation shows that people from these two groups have conducted activities which the regime considers a problem punishment may be inflicted.'

‘Despite the distinction between the three above-mentioned groups of returnees, Reza Menuchehri (KMMK) emphasized that people in all these groups will face pressure upon return to Iran. As examples, the source mentioned that none of the returnees could be expected to have access to employment in public offices, that the officials may visit them at their homes which will be devastating to their status in society, that they all will be investigated thoroughly about their time in KRI, that they will be monitored for some time (from five months up to two years) by the authorities, and that they will always be under suspicion.’

‘About the investigation of the returnees, Reza Menuchehri (KMMK) explained that when a person returns to Iran, he or she will be given a blank sheet of paper by the regime and told to provide details on the returnee’s stay in KRI. For instance, the regime will ask with whom he has been working, for how many years and how this work was carried out and why. If the statement given seems vague and unclear in any way, there will be further questioning. Reza Menuchehri (KMMK) mentioned that when Iranians from KRI who are not involved in activities visit Iran, the government will sometimes arrest one or two of them just to signal that the authorities are capable of monitoring people’s activities in KRI. In this way, they install fear among the people and demonstrate their power.’²⁶

- 5.1.11 Asked about the situation for returnees, a Western diplomat and expert on Iran had never heard of any Iranian with political affiliations who went back to Iran. The source assumed that as long as a returnee has not been member of an oppositional political party or involved in political activities in other ways, she or he would not face problems upon return to Iran.’²⁷

[Back to Contents](#)

²⁶ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013 1.3. Consequences of conducting activities for the Kurdish political parties p. 69-70 http://www.nyidanmark.dk/NR/rdonlyres/D82120CB-3D78-4992-AB57-4916C4722869/0/fact_finding_iranian_kurds_2013.pdf [accessed 16 September 2015]

²⁷ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013 1.3. Consequences of conducting activities for the Kurdish political parties p. 68 http://www.nyidanmark.dk/NR/rdonlyres/D82120CB-3D78-4992-AB57-4916C4722869/0/fact_finding_iranian_kurds_2013.pdf [accessed 16 September 2015]

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **3.0**
- valid from **16 December 2015**
- this version approved by **Sally Weston, Deputy Director, Legal Strategy Team**
- approved on: **14 December 2015**

Changes from last version of this guidance

First publication of Illegal exit as a separate CIG (Illegal exit previously formed part of the Background CIG).

[Back to Contents](#)