**EUROPEAN UNION**
**THE COUNCIL**

**Brussels, 9 September 1998**

RESTREINT

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**CIREA 68**

**NOTE**

From: The General Secretariat

To: CIREA

Subject: **Replies to the Questionnaire on Iran (Telex No. 2764 dated 16.06.98)**

Delegations will find attached replies received to the above-mentioned questionnaire.

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**QUESTIONNAIRE**

**1. Member States' statistics for each year during the period 1993 to 1997**

- Number of asylum applicants from Iran
- Number of asylum applicants from Iran refused
- Number of asylum applicants from Iran granted refugee status
- Number of asylum applicants from Iran permitted to remain on humanitarian or other grounds
- Number of Irani asylum applicants refused and returned to their country of origin or to a third country

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**2. Details of applications submitted by Irani citizens**

**(a) Applicant profile:**

- male
- female
- average age
- marital status
- left the country alone or accompanied by family
- relatives in the host country
- minors
- unaccompanied minors
- religion
- socio-professional origin
- region of origin
- ethnic group

**(b) Reasons given**

- membership of a party or political organization or trade union
- political activities
- political activities in exile
- domestic violence
- women leaving Iran with minors without permission from their husbands
- problems connected with the possession of unauthorised materials (video tapes, alcoholic drinks, satellite receivers etc.).
- religious affiliation
- immoral behaviour/application of Sharia
  - general
  - sexuality/adultery
  - rejection of the Muslim faith and/or conversion to a religion other than Islam
  - position of women
  - position of homosexuals
- situation of ethnic minorities
- ethnic conflicts, including statelessness
- refusal to perform military service/desertion
- threatened by non-state entities
- prisoners
- other reasons (e.g. human rights violations)

**(c) How did the applicant leave his country of origin (specify place of origin)**

- Who made the arrangements for departure?
- What services were provided by a facilitator?
- How much was paid and who provided the funds?

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**(d) Route taken when and after leaving the country of origin**

- means, routes and border-crossings when leaving Iran
- means, routes and border-crossings after having left Iran
- documents presented at border controls
- shorter or longer stay in other countries

**(e) Documents produced in support of the application**

- type of documents produced by the applicants
- identity papers
- documents in support of persecution claim
- authenticity of documents and how determined
- at what stage of the procedure are documents produced as evidence ?

**(f) Were applications made on entry or within the country ?**

**3. Assessment of applications in accordance with the Geneva Convention**

**(a) How do you assess applications from asylum applicants that mainly invoke:**

- the general situation in the country
- political activities (distribution of leaflets, participation in demonstrations etc.)
- domestic violence
- membership of an ethnic group
- problems connected with the possession of unauthorised materials (video tapes, alcoholic drinks, satellite receivers etc.).
- religious affiliation
- immoral behaviour/application of Sharia
  - general
  - rejection of the Muslim faith and/or conversion to a religion other than Islam
  - sexuality/adultery
  - position of women
  - position of homosexuals
  - west-oriented persons
- conversion to a religion other than Islam after arriving in your country
- collective persecution/discrimination
- persecution performed by non-state entities, e.g ethnically composed militias
- militant activities within parties opposed to the central government (if positive specify)
- political activities in exile

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- danger of persecution (merely) due to the fact that an application for asylum has been made
- desertion or failure to report for military service
- prisoners
- victims of sexual violence
- torture
- provisional detention
- others (eg. other human rights violations)

**(b) Is there an internal flight alternative? If so, please state to which group(s) this applies, and the areas.**

**4. Cases of asylum-seekers whose relatives have requested asylum in other countries of the Union.**

(a) Do asylum applicants use a Member State as a country of transit for travelling further ('Resettlement') to the USA?

**5. Cases of asylum-seekers who voluntarily refused protection offered by humanitarian organizations which operate (in loco) (hosts in accommodation camps, protected camps). If positive, how do they explain (justify) that.**

**6. Eventual application of exclusion clauses (Article 1F of the Geneva Convention)**

**7. Basic procedures for scrutinizing applications:**

Before taking a decision, do you interview applicants systematically or selectively? In the latter case, on what criteria is the interview based?

**8. Treatment of asylum applicants whose applications are refused:**

- repatriation to country of origin.
- are there any special difficulties in returning applicants to their country of origin?
- expulsion to third country.

**BELGIUM**

COMMENT: The answers to the questions put were not fundamentally different in 1997, which is why the report for the period 1993 to 1996 has been reproduced and adjusted. New passages relating to 1997 are underlined.

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1. Statistics

(1) Admissibility stage

| Year | Applications | Aliens Office's decision | | Commissioner-General's decision | | Total admissible |
|---|---|---|---|---|---|---|
| | | Admissible | Inadmissible | Admissible | Inadmissible | |
| 1993 | 117 | 43 | 70 | 27 | 32 | 70 |
| 1994 | 115 | 26 | 88 | 26 | 47 | 52 |
| 1995 | 106 | 7 | 98 | 25 | 49 | 32 |
| 1996 | 117 | 23 | 91 | 13 | 31 | 36 |
| 1997 | 95 | 15 | 78 | 35 | 17 | 50 |

The first thing that can be noted is the fact that the number of applications from Iran remained fairly stable in the period 1993 to 1996, viz. just above 100 applications a year. 1997 saw a slight drop in the number of applications (8 per month on average).

It cannot be ignored therefore that in 1993 60% of asylum-seekers were declared admissible while this only amounted to 30% in 1996. This might be explained by the relative weakness of the files involved.
In 1997 slightly more than half were declared admissible.

(2) Substantive stage

| Year | Commissioner-General's decision | | Decision of the Permanent Commission on Appeal for Refugees | | No decision |
|---|---|---|---|---|---|
| | Accepted | Rejected | Accepted | Rejected | |
| 1993 | 20 | 44 | 9 | 20 | 8 |
| 1994 | 10 | 39 | 6 | 9 | 18 |
| 1995 | 8 | 13 | 3 | 5 | 13 |
| 1996 | 3 | 2 | 0 | 0 | 32 |
| 1997 | 4 | 0 | 0 | 0 | 46 |

There is no denying the fact that the acceptance rate has dropped. As already stated above, the reason for this trend is the relative weakness of the files involved.

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2. Profile of Iranian asylum applications

***A. Applicant profile***

*(a) Gender*

| Year | Male | Female | ? [1] |
|---|---|---|---|
| 1993 | 67 | 42 | 8 |
| 1994 | 67 | 45 | 3 |
| 1995 | 64 | 42 | 0 |
| 1996 | 73 | 43 | 1 |
| 1997 | 65 | 30 | 0 |

As shown in the above table there is a majority of males. Compared with other nationalities, there is a noticeable high proportion of female asylum-seekers who either follow their spouses or who invoke their own reasons for fleeing.

*(b) Age*

| Age at the time of the application | -15 yrs | 15-19 | 20-30 | 30-40 | +40 | Unaccompanied minors | Accompanied minors |
|---|---|---|---|---|---|---|---|
| %/number | 5% | 25% | 33% | 12% | 25% | 4 | 3 |

The above table shows that the majority of applicants are between the ages of 25 and 35 at the time of the asylum application.

In 1997 91 applicants were above and 34 below the age of 18.

*(c) Minors*

Applicants are assessed as minors under their own national law. The age of majority in Iran is regarded as 18. The statistics show that only 4 unaccompanied Iranian minors applied for asylum in the period 1993 to 1996. In 1997 a further 4 unaccompanied minors applied for asylum.

Belgium does not repatriate rejected unaccompanied minors except under special escort and in the framework of a special arrangement.

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[1] The gender of asylum-seekers has only been systematically fed into the database since 1994.

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*(d) Religion*

Most Iranian applicants interviewed hitherto by the Commissioner-General's Office are Muslims. A few belong to the Christian faith or have contacts with it. There is also a limited number of applicants who claim to be members of the Baha'i community. However, this does not always correspond to reality. Only one applicant claimed to be a member of the Jehovah's witnesses.

*(e) Socio-professional origin*

Generally speaking, it can be said that Iranian asylum-seekers usually come from middle-class backgrounds and with a fairly high level of education. As a rule they hold a secondary education diploma. Their professional background is also fairly high (doctors, nurses, students, self-employed and employees).

*(f) Region of origin*

Slightly more than half of the asylum-seekers come from Tehran, and the others mostly from other large cities such as Isfahan, Shiraz, Ahwaz and Rasht, Bander Abbas, etc.

*(g) Ethnic group*

The large majority appear to be of Persian origin with a few claiming to be of Kurdish or Armenian origin.

*B. Reasons given*

*– membership of a political organisation*

A considerable number of asylum-seekers appear to base their asylum applications on problems resulting from their (alleged) membership of a targeted political party such as the Mujahedin, the Fedayin, the KDP (Kurdish Democratic Party) and other parties with monarchist or Communist leanings.
In 1997 one asylum-seeker also based his asylum application on membership of the *Iranian National Front*

*– political activities*

Activities of a political nature are also often invoked as a reason, such as the distribution of leaflets, taking part in demonstrations, sheltering or assisting wanted persons.

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– *problems connected with the possession of unauthorised materials*

Possession of the "Satanic Verses", photographs of the royal family, satellite dishes, videos and alcohol are invoked as reasons for persecution.
In 1997, possession of pornographic videos and pop music audio cassettes was invoked.

– *enforcement of Sharia Law*

Reasons invoked in this connection range from the expression of dissenting opinions to insufficient respect for the dress code.

Apostasy, both in Belgium and Iran, also appears to be a recurrent reason. A number of asylum-seekers appear recently to have converted to Christianity or to the Ahmadi faith in Belgium. This is then invoked as a reason later in the procedure or a request is made for the file to be re-opened on the basis of new factors.

Occasionally, and more so in 1997 than before, Sharia intolerance towards homosexuals is reported.

The position of women and more specifically the defence of that position, has frequently been invoked as grounds for persecution. Women also claim that their politically active spouses have disappeared or that they have been forced to divorce them in order to re-marry a disabled veteran.

– *membership of a religious minority*

Membership of a religious minority such as the Christian or Baha'i community is cited as a reason. There has been one case in which a person claimed to have been persecuted because of membership of the Jehovah's witnesses.

– *desertion/refusal to perform military service*

Desertion and related matters are seldom invoked as a reason.

– *other reasons*

Other reasons are: assisting people to leave the country, medical assistance to wanted persons, dismissal because of failure to comply strictly with Islamic guidelines, suspected espionage, political activities of a family member, etc.

Very often applicants follow a partner or other family members.

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In 1997, one doctor cited as a reason the fact that he was accused of having treated a mullah less well than the other persons injured in an accident.

***C and D. Route taken and use of a facilitator***

On the whole Iranian asylum-seekers reach Belgium via four different routes:

(a) The commonest route takes them to Istanbul on foot, by lorry or car, flying on to France, Germany or the Netherlands. The journey is then continued to Belgium either by air or by car.

(b) There is also the route via Pakistan which they reach on foot or by lorry, and then take a flight bound for Europe.

(c) In some cases the journey is continued from Turkey by car instead of by air.

(d) A boat is occasionally taken from Bander Abbas to Abu Dhabi

(e) Finally, the simplest alternative: a plane from Tehran to Belgium. A relatively large proportion reach Belgium by legal means and in possession of a Benelux visa.

On average people stay between 3 days and 1 month in a transit country, usually Turkey or Pakistan.

Most applicants make use of a facilitator, who helps them to obtain passports, visas and tickets. Sometimes these facilitators also accompany them during the journey, particularly when crossing the border with Turkey on foot.

The amounts paid are around the US $7 000 mark. In almost all cases, these costs are borne by asylum-seekers themselves.

In cases where possible circumvention of airport controls is involved, it is desired that recourse was had to a friend or family member working at the airport or for the security services. Sometimes the facilitator is said to have bribed someone.

***E. Documents***

In order to obtain a clear picture of the documents available, a large number of files was consulted in the 1993-1996 period (334 of the 455).

It emerged from these files that 27% of asylum-seekers arrived in Belgium on their own Iranian passports and that 38% claim to have travelled on false passports. Many of these claim to have returned the passport to the facilitator.

In addition, it appeared that 35 applicants were in possession of their identity documents, 40 people had a driving licence while many produced proof of an occupation, a marriage certificate, diploma, summons issued by the police or a court, party membership card etc. Sometimes the Belgian Embassy is asked to check the authenticity of these documents. However, the Belgian Embassy recently announced that it was no longer in a position to meet such requests.

It can be concluded that own passports are used in a great number of cases and that a fair number of documents are produced.

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This trend was maintained in 1997.

***F. Were applications made on entry or within the country?***

| | |
|---|---|
| asylum applications 1993-1996 | 455 |
| at the border (in practice at Zaventem airport) | 41 |
| within the country | 414 |

| | |
|---|---|
| asylum applications in 1997 | 95 |
| at the border | 12 |
| within the country | 83 |

3. Assessment of reasons invited in the light of the Geneva Convention

***A. Introduction: Iran and the objective fear of persecution***

The Belgian authorities have always regarded Iran as a country in which serious human rights violations occur.

The Commissioner-General's Office has, however, begun to react more strictly to inconsistencies and major contradictions. This also explains the drop in the number of recognitions over the years.

The assumption is that the Iranian State can act in a very repressive manner against any form of opposition and criticism. In these cases there is unequivocal persecution by the official authorities. Moreover, persecution in Iran is such that people may fear for their freedom and/or their lives.

The asylum-applicant nevertheless has to demonstrate in a coherent and convincing manner that he or she runs an individual risk of persecution by the authorities.

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***B. Case law in respect of the reasons invoked***

*(a) General situation*

Asylum-seekers who refer exclusively to the general situation in Iran are declared inadmissible. However, this is a rare occurrence in practice.

*(b) Militant political activities*

A political activity is one of the main grounds for recognition. Membership of one of the political movements targeted by the authorities, such as the Mujahedin, the Tudeh, the Fedayin, parties with royalist leanings etc. may result in the grant of asylum. However, the asylum-seeker must show in a coherent and convincing manner that there is a genuine fear of persecution in his individual case.

*(c) Political activities*

Such activities can only result in the granting of refugee status if there is convincing proof of an individual fear of persecution. Thus, mere participation in the 1993 economic demonstrations is not accepted as grounds for asylum.

*(d) Persecution by third parties*

Persecution by third parties may be accepted as a reason, e.g. in the case of "apostasy".

*(e) Possession of unauthorised materials*

Mere possession is insufficient. This only leads to asylum if it is related to one of the criteria of the Geneva Convention. Mere possession of a bottle of alcohol is therefore insufficient. Possession of a book with a politically charged content may nevertheless result in the granting of asylum.

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*(f) The Sharia*

*– apostasy*

This may be a convincing reason. As already mentioned increasing numbers of conversions have been noted during the applicants' stay in Belgium. So far such people have been recognised as refugee "sur place" either by the Commissioner General's Office or by the Permanent Commission on Appeal for Refugees.

*– proselytising*

Incitement to conversion from Islam to another religion is a punishable offence. This can therefore constitute a convincing reason for recognition.

*– adultery*

Cited only once as a reason. It was accepted as a sufficient reason for recognition.

*– position of women*

This aspect is treated with the utmost circumspection and constantly gives rise to careful consideration in each individual case. A single isolated instance of non-compliance with the dress code, for instance, does not result in automatic recognition. However, if it can be shown in a coherent and convincing manner that there is a serious subjective fear in the case of a particular woman, this may constitute a reason. Discriminatory treatment under the Sharia legislation forms the basis for this.

*– homosexuality*

The granting of refugee status may be considered where those concerned can establish their sexual inclinations in a convincing manner. Given the severe criminal sentences involved, there is no absolute need to establish the individual or genuine nature of the fear expressed.

*– problems connected with divorce and custody*

Has not yet been accepted as a factor on its own.

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*(g) religious persecution*

Refugee status is granted where there are serious indications that the person concerned belongs to a banned faith such as the Baha'i, the Ahmadiya etc. On the other hand, the mere fact of being a Christian is regarded as an insufficient ground on its own.

*(h) desertion*

In principle, desertion is not covered by the Geneva Convention. The rules of the "guide de procédure" (procedural guide) are nevertheless followed strictly as regards exceptions to the general rule.

*(i) detention (for the record)*

*(j) membership of an ethnic group*

Persecution of Kurds or Armenians who carry out a political activity connected with their ethnic origin may constitute a sufficient ground for recognition.

*(k) collective persecution/discrimination*

Under certain circumstances women and homosexuals are regarded as a persecuted "social group"; however, their account of events must be sufficiently convincing and the subjective fear must relate to objective facts.

*(l) exchange rate offences*

Cannot constitute a ground for granting asylum, as this is a common law offence that cannot be classified under one of the criteria provided for in the Geneva Convention.

*(m) "non bis in idem"*

As Belgium has concluded no agreement with Iran on this principle, there are no guarantees for compliance with this principle which is essential for Belgium. In practice, the approach to these problems will depend on the nature of the offence and the various aspects of the case viewed as a whole. The only case that could fall under this category was a case of drugs smuggling, in which it was decided that refugee status should be refused.

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*(n) persecution by third parties*

Persecution by powerful Islamic foundations is occasionally invoked as a reason (such as the Foundation of Iranian Hospitals which discriminated against a highly-placed divorced woman).

*(o) other grounds invoked*

– *political activities outside the country of origin.*

Persons invoking political activities in an opposition party or grouping in Europe may be granted asylum insofar as their activities are sufficiently well-known and serious (so far there has been no doubt in such cases as to the genuineness of their political commitment in the country of asylum).

*(p) lawful departure and possession of own passport*

Lawful departure from Iran, via Tehran, with an individual passport and visa is never used by the Commissioner-General's Office as a reason for rejection.

***C. Internal flight alternative?***

In the case of persecution on the part of the authorities it is obvious that internal flight is ruled out as a ground for refusal. However, where persecution by third parties is entailed this factor may – depending on the case – be invoked as one of the grounds for rejection.

However, where serious persecution even by third parties, is involved, it is certainly never applied as the sole ground for rejection.

4. Belgium as a country of transit?

Recognised refugees who obtained a definitive residence permit in the United States have surrendered their refugee status

5. Asylum-seekers who voluntarily refused protection offered by humanitarian organisations which operate in loco

The Commissioner-General's Office has no information on this.

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6. Exclusion clauses

As a rule exclusion clauses are hardly ever applied. In practice, this has only been applied three times in respect of Iran, and more specifically for members of the Pasdaran of members of the security services. Moreover, the decision was overturned in one of these cases by the Permanent Commission on Appeal for Refugees.

Before an exclusion clause is applied it is examined to what extent the asylum-seeker is directly or indirectly involved in an act of violence, what responsibility he assumes in a particular organisation or group, what degree of importance he has in the organisation and whether the actions of those organisations are proportionate to the goals to be attained.

7. Procedures for scrutinising applications

In principle, every asylum-seeker is interviewed, possibly by the three bodies involved (the Aliens Office at the admissibility stage, the Commissioner-General's Office at the appeals stage of the admissibility procedure, a second time as to the substance, and finally the Permanent Commission on Appeal for Refugees during the appeals stage as to the substance). If the asylum-seeker goes through all the possible stages, he is interviewed four times, leaving aside the possibility of annulment or suspension of the decision before the Council of State.

There are some exceptions to this basic rule. In the case of some files (especially Yugoslav, Guinean, Zairian and Angolan asylum-seekers) a letter is sent prior to the substantive examination asking them whether they wish to continue with the procedure and whether they want to communicate their reasons in writing. On the basis of the answer to this letter it is then decided whether a substantive interview is needed. Where there are flagrant contradictions between the letter and the person concerned's statements at the admissibility stage, the application is automatically refused. This procedure is not applied to Iranian files.

A second exception is "*immediate recognition*". Where it appears from the interview at the Commissioner-General's Office at the urgent appeals stage that the file is so good that immediate recognition can be granted, the substantive interview is unnecessary. However, this rarely occurs and is always in consultation with the Commissioner-General.

The Permanent Commission on Appeal for Refugees is an administrative legal body, and the appellants are always summoned for a hearing at its sittings. They may be assisted or represented by a lawyer.

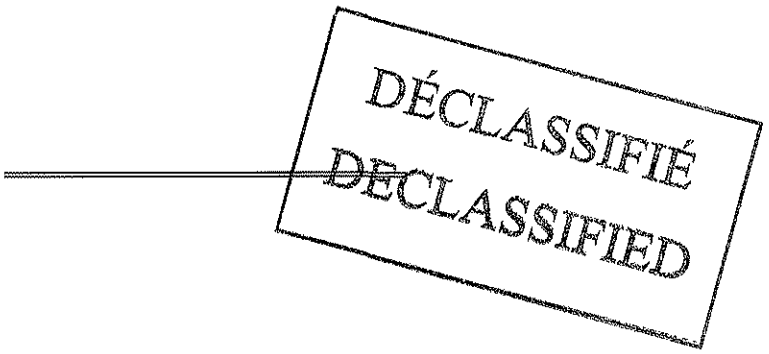
8. Alternative types of status for rejected Convention refugees

Apart from the temporary status introduced for certain categories of nationals from the former Yugoslavia (and which still applies to a number of them), Belgium does *not have a tolerated residence or other alternative status*. This also explains why the Convention is interpreted broadly.

The asylum procedure sometimes dragged on for many years because of the backlog built up over the years by the various bodies responsible for dealing with asylum applications. Because many of the applicants became well integrated in the meanwhile into Belgian society, some of them are being "*regularised*" by the Minister for the Interior (however, this continues to be an exceptional measure).

9. Repatriation

The Aliens Office, which is responsible for repatriation, has been keeping statistics since 1994. In 1994 one Iranian was repatriated, in 1995 three, in 1996 two and none in 1997.



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*1. STATISTICS*

Number of asylum applicants from Iran

- 1993 : 167
- 1994 : 133
- 1995 : 151
- 1996 : 200
- 1997 : 158

Decisions on asylum applications from Iranian nationals

1993
- Convention status : 29
- De facto status : 82
- Refused : 53

1994
- Convention status : 34
- De facto status : 39
- Refused : 41

1995
- Convention status : 43
- De facto status : 41
- Refused : 52

1996
- Convention status : 24
- De facto status : 49
- Refused : 73

1997
- Convention status : 35
- De facto status : 71
- Refused : 74

No figures are available for the number of Iranian nationals returned to their country of origin or to a third country after refusal of their application for asylum in Denmark.

*2. DETAILS OF APPLICATIONS SUBMITTED BY IRANIAN CITIZENS*

*(a) Applicant profile*

Most Iranians seeking asylum in Denmark are young, unmarried males aged 25 to 35, but there are also a number of unaccompanied, unmarried Iranian women in the same age group seeking asylum. Unaccompanied Iranian minors are rare. Minors who do enter Denmark are accompanied by one or both parents.

Many Iranian asylum applicants have relatives in Denmark.

Most Iranians entering Denmark say that they are Shia Muslims. A few say they are Christians, Bahais or Zoroastrians.

As regards the level of education, most say that they have gone beyond basic schooling, having trained for a trade or at a technical college or university.

Most say that they are from Tehran where they were born and grew up or where they have lived for most of their lives. Some say that they are from Qom, Marshad, Esfahan or Shiraz. A few applicants say that they are from Iraq and that they were deported to Iran during the war between Iraq and Iran. In the course of examination of their applications, it emerged that some of these had lived in Iran for so long that they had obtained Iranian nationality.

As for the ethnic groups to which applicants belong, most say that they are Persians. Relatively few Iranian Kurds enter Denmark and other minorities are rare, e.g. Iranian Arabs, Baluchis and Turkomans.

*(b) Reasons given*

Reasons of a political nature, e.g. membership of a party or simply being politically active in Iran, have become rarer nowadays in asylum applications than they were a few years ago. Political activities in exile ("sur place" reason) are however mentioned in some cases. Such activities usually involve participation in demonstrations in Denmark against Iran's rulers with subsequent exposure in the Danish mass media. Reasons of a political nature most frequently involve membership and activities on behalf of monarchist organisations, and less frequently membership or activities on behalf of the Muhjahadeen-e-Khalq or other political groups.

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Some women state that they have suffered domestic violence or threats of violence from their husbands. Other women, who have left Iran with minors, have said that they left without permission from their husbands and that this is punishable under Iranian law.

The possession of unauthorised materials is given as a reason in a number of applications. In the great majority of cases this involves the possession of pornographic materials, but there are also cases of possession of alcohol, satellite dishes and banned literature, e.g. "The Satanic Verses".

As regards religious affiliation, some applicants say that they are Christians and that they fear reprisals by the Iranian authorities for that reason. It is rarer to find applicants claiming affiliation to the Bahai or Zoroastrian religions as a reason.

Extramarital affairs are given as a reason in several applications, both by women and men. Applicants say that the authorities have found out about such relationships and that they are therefore in danger of the death penalty if they return to Iran.

Conversion to a religion other than Islam is a reason which regularly occurs. In some cases, conversion took place before leaving Iran and in other cases after entering Denmark. The religion to which applicants have converted is usually Christianity and more rarely the Bahai or Zoroastrian religions.

Iranian women often say that they have had problems with the Iranian authorities because of non-Islamic clothing, use of cosmetics or associating with men who do not belong to the inner family circle.

It is relatively rare for applicants to give homosexuality as a reason. Where this does happen, it is maintained that the fact has become known to the Iranian authorities.

It is very rare for Iranian asylum applicants to give membership of an ethnic group as the reason for their application.

It is also very rare for desertion or failure to report for military service to be given as a reason. On the contrary, Iranian men say that they have completed their military service.

In addition to one or more of the above reasons for asylum applications, a number of applicants indicate general dissatisfaction with the situation in Iran (dissatisfaction with the religious rulers, high cost of living, etc.). Bahais and Zoroastrians also refer to general violations of human rights by the authorities in the case of these religious groups.

*(c) How did the applicant leave his country of origin?*

Many Iranian asylum seekers in Denmark left Iran legally using their genuine Iranian passport and most people leaving Iran in this way enter Denmark with a genuine Danish visitor's visa. The asylum application tends to be submitted when the visa expires.

Those not in possession of a genuine Iranian passport explain that they left Iran with the help of a facilitator. The facilitator accompanied them on the journey to Denmark and arranged for the necessary papers (false passport and false visa). The amount paid to the facilitator varies, but most applicants say that they paid between US $5 000 and US $10 000. Whatever the route taken, the facilitator organised and arranged the whole journey.

Some applicants who left from Tehran airport without the help of a facilitator explain that they bribed their way through the airport. Others maintain that they were banned from leaving Iran. Despite this they obtained passports, either through bribery or because they had a friend working in the passport office.

*(d) Route taken when and after leaving the country of origin*

Those applicants who left legally using genuine Iranian passports flew directly to Europe from Tehran airport. En route to Denmark they tended to land in a third country and were in possession of a transit visa for that country.

Those who left with the help of a facilitator travelled in most cases to Turkey, either via Tehran airport or overland via the Iranian-Turkish border. They were provided with false papers in Turkey so that they could then travel directly from Istanbul to Western Europe. They spent varying periods of time in Turkey. The route Istanbul-Copenhagen-Bangkok-Copenhagen-Istanbul which was used in the past by some Iranian asylum applicants ceased to be employed after Denmark introduced a compulsory transit visa for Iranian nationals on 1 October 1996.

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The false travel documents supplied by the facilitator were kept by him throughout the journey so that the applicant is unable to provide any information about the passport, visa or name used for his/her journey.

*(e) Documents produced in support of the application.*

Documents are almost always produced in the case of asylum applications from Iranian nationals. These are often documents from the Iranian legal system, which are intended to show that the person concerned is a wanted person, has been summoned to appear before the authorities, has been in prison or has been sentenced, usually in absentia. Other documents submitted involve confirmation by Iranian organisations in exile that the person concerned is a member of that particular organisation. Documents of this kind usually bear a date close to that of submission of the asylum application.

Identity papers are often produced, usually in the form of birth certificates. Those who have left Iran legally often submit their Iranian passports with their asylum applications.

The genuineness of documents from the Iranian legal system will be assessed if that is regarded as relevant to the case. The Danish Ministry of Foreign Affairs makes this assessment on behalf of the Danish immigration authorities using its particular sources.

Most of the documents are not produced until the case is already being examined. The reason given is that the documents have had to be sent by the family in Iran.

*(f) Were applications made on entry or within the country?*

In Denmark most applications for asylum are made after entry into the country. This also applies to Iranian nationals.

*3. ASSESSMENT OF APPLICATIONS IN ACCORDANCE WITH THE GENEVA CONVENTION*

*(a) How do you assess applications from asylum applicants that mainly invoke*

*– the general situation in the country*

Asylum applicants who have left Iran because they are dissatisfied with the general political and social situation but who have not been subjected to any individual persecution by the authorities are as a rule refused asylum.

– *political activities*

It is Danish asylum practice to assume that organised opposition activities are extremely difficult in present-day Iran. If an asylum applicant can show that he/she would, if returned to Iran, attract the authorities' attention because of political activities, a residence permit will be issued conferring either Convention or de facto status.

Participation in a mass demonstration cannot as a rule be taken to mean that the person is wanted by the authorities.

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– *domestic violence*

Women who claim as the reason for their application that they have been subjected to domestic violence are not granted residence permits. The Danish Immigration authorities recommend such persons to seek the protection of their own authorities. In one specific case, asylum was granted to a woman who had been subjected to domestic violence and who, despite this, could not obtain the Iranian authorities' permission to divorce her husband.

– *membership of an ethnic group*

Membership of an ethnic group is not in itself a ground for granting refugee status. If it can be shown that the person has suffered specific individual persecution because of his/her ethnic group, refugee status is however granted in the form of either Convention or de facto status.

– *problems connected with the possession of unauthorised materials*

The possession of video tapes, alcoholic drinks, satellite dishes, etc. does not as a rule lead to the granting of asylum. The Danish immigration authorities take the view that the punishment which the person concerned could suffer is not unduly severe.

– *immoral behaviour/application of Sharia*

Those who give a generally non-Islamic lifestyle as the reason for their application are not as a rule granted asylum.

Iranian nationals who reject the Muslim faith are not as a rule granted asylum. If it can be shown that the person concerned has attracted the authorities' attention as a result, asylum may be granted after a specific individual assessment.

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Asylum applicants who have converted from Islam to Christianity before leaving Iran, and who can show that the authorities have found out about their conversion, will as a rule be granted Convention status, inasmuch as the punishment which they would suffer on return to Iran is regarded as persecution.

Asylum applicants who convert to Christianity after entering Denmark will as a rule be refused asylum if the Danish authorities have no evidence that the Iranian authorities know about the conversion.

The general position of women is not a ground for asylum. The Danish immigration authorities have however in specific cases granted de facto status to women who, because of their western lifestyles, including education in the west, have been subject to persecution.

Homosexuality will in principle, if it has become known to the authorities, result in the granting of Convention status.

Persons who have a western lifestyle are not automatically granted asylum. If a specific individual assessment, which may take account among other things of family background, shows that the person concerned could suffer injustice, he/she is granted de facto status.

– *collective persecution/discrimination – persecution performed by non-state entities*

Persecution by non-state entities will as a rule mean that the person concerned is granted refugee status provided he/she cannot obtain protection from the Iranian authorities. The choice of status depends on the nature of the persecution.

– *militant activities within parties opposed to the central government*

If an applicant has conducted militant activities within an opposition party and has as a result attracted the attention of the Iranian authorities, he/she will be granted refugee status.

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– *political activities in exile*

Persons who have conducted political activities in exile are not as a rule granted asylum unless they can show that the Iranian authorities know about their activities.

– *danger of persecution (merely) due to the fact that an application for asylum has been made*

Leaving Iran and applying for asylum abroad is not in itself regarded as illegal by the Iranian authorities and consequently persons who only give this as their reason have their asylum applications refused.

– *desertion or failure to report for military service*

Failure to report for military service or desertion cannot lead to the granting of asylum, inasmuch as Iranian nationals do not, on returning to Iran, face a punishment that is disproportionately severe by Danish legal standards.

– *victims of sexual violence*

Persons who have been victims of sexual violence may be granted asylum if the sexual violence was committed by a person in authority. In such a case, the person concerned will be granted de facto status. If the sexual violence was committed by a private individual, the person concerned is not as a rule granted asylum but recommended to seek protection from the authorities.

– *torture*

Iranian asylum applicants who have been subjected to torture may be granted asylum after a specific individual assessment. The choice of status depends on the reason why the person was tortured. If it can be shown that the person was tortured because of his/her political activities, a residence permit as a Convention refugee is granted.

– *prisoners/provisional detention*

In cases involving detention/imprisonment, it is the reason for this which determines whether a residence permit will be granted.

– *others (e.g. other human rights violations)*

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Persons who have suffered human-rights violations are granted asylum if the violation took the form of persecution. This will however involve a specific individual assessment.

– *Is there an internal flight alternative?*

The Danish authorities do not apply the concept of an internal flight alternative in the case of Iranian nationals.

*4. CASES OF ASYLUM APPLICANTS WHOSE RELATIVES HAVE REQUESTED ASYLUM IN OTHER COUNTRIES OF THE UNION*

Many Iranian asylum applicants have relatives living in other Member States of the Union. It is rare for this to be given as a reason.

*(a) Do asylum applicants use a Member State as a country of transit for travelling further to the USA?*

In Denmark there have been cases of Iranian asylum applicants who have explained their entry into Denmark by saying that they were on the way to the USA. They were however abandoned by the facilitator either in the transit hall at Copenhagen airport or after entry into Denmark. The facilitator disappeared with all the travel documents so that the person concerned could not continue to his/her final destination in the USA and had to submit an application for asylum in Denmark.

*5. CASES OF ASYLUM APPLICANTS WHO VOLUNTARILY REFUSED PROTECTION OFFERED BY HUMANITARIAN ORGANISATIONS*

There have been no such cases in Denmark.

*6. APPLICATION OF EXCLUSION CLAUSES*

The Danish authorities make an assessment in every case of whether there are any circumstances of the kind referred to in Article 1F which would mean that the person should not enjoy protection as a refugee in Denmark.

*7. BASIC PROCEDURES FOR SCRUTINISING APPLICATIONS*

All asylum applicants are interviewed by the Danish Immigration Service before a decision is taken on the asylum application. If there is an appeal to the Refugee Board, the applicant has the right to appear in person before the Board with the officially appointed lawyer.

*8. TREATMENT OF ASYLUM APPLICANTS WHOSE APPLICATIONS ARE REFUSED*

Iranian asylum applicants whose applications for asylum in Denmark have been finally refused can be sent back to Iran. If the person concerned does not leave voluntarily, he/she may be accompanied by a Danish police officer. If the person concerned is not in possession of travel documents, these can be issued by the Iranian Embassy.

Expulsion to a third country could occur in cases where the person concerned has a secure basis for residence in that country.

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**1. Member States' statistics for each year during the period 1993 to 1997** [2]

- **Number of asylum applicants from Iran**
- **Number of asylum applicants from Iran refused**
- **Number of asylum applicants from Iran granted refugee status**
- **Number of asylum applicants from Iran permitted to remain on humanitarian or other grounds**

| Period | Applications received (initial applications) | Decisions | | | | | Reasons precluding expulsion pursuant to Section 53 Aliens Act** |
|---|---|---|---|---|---|---|---|
| | | Total | Recognitions | Protection from expulsion pursuant to Section 51 Aliens Act* | Rejections | Other outcomes | |
| 1993 | 2 664 | 5 526 | 2 193 | - | 2 364 | 969 | - |
| 1994 | 3 445 | 5 120 | 1 856 | - | 2 109 | 650 | - |
| 1995 | 3 908 | 4 416 | 1 667 | 264 | 2 071 | 414 | 44 |
| 1996 | 4 809 | 5 857 | 1 577 | 325 | 3 492 | 463 | 47 |
| 1997 | 3 838 | 4 342 | 821 | 345 | 2 719 | 457 | 23 |

* The existence of grounds for protection from expulsion pursuant to Section 51 of the Aliens Act has been recorded separately since 1995. If the preconditions are definitively established as obtaining, the person concerned is also granted refugee status within the meaning of the Geneva Convention.

** The existence of reasons precluding expulsion on humanitarian grounds pursuant to Section 53 of the Aliens Act has been recorded separately since 1995. The person concerned generally receives leave to remain (no right of residence, simply a postponement of expulsion).

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[2] Statistics from the Federal Office for the Recognition of Foreign Refugees; statistics are kept only on decisions of the Federal Office and not on decisions of the courts.

- **Number of Iranian asylum applicants refused and returned to their country of origin or to a third country**

  No statistics are kept on the total number of asylum applicants from Iran who have returned to their country of origin. Statistics are kept only on those returned by the Federal Border Guard. According to these statistics, 127 Iranian nationals were expelled to Iran by air in 1997 and from January to May 1998 the figure was 57.

## 2. Details of applications submitted by Iranian citizens

### (a) Applicant profile

(The following information is based on an up-to-date random survey of branches of the Federal Office for the Recognition of Foreign Refugees)

- **male**
- **female**

  The overwhelming majority of the applicants are male; women make up about 30% of the total.

- **average age**

  Most of the applicants are in the 20-45 age range.

- **marital status**

  About 60% of the applicants are single, the rest are married, or in a few cases widowed.

- **left the country alone or accompanied by family**

  Most applicants left the country alone, although some state that they were accompanied by their families.

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- **relatives in the host country**

  Around 50% of applicants state that they have relatives in the Federal Republic of Germany.

- **minors**

  There are a few minors among the applicants; they are almost always accompanied by one or both of their parents.

- **unaccompanied minors**

  Unaccompanied minors are rare.

- **religion**

  Most of the applicants are Shiite Muslims. The numbers of Armenian and Assyrian Christians and Bahai are fairly small.

- **socio-professional origin**

  Most applicants have secondary education; they have often completed university education. As a rule they have practised professions or occupations requiring qualifications, such as doctor, engineer or merchant. Many of the younger applicants are students.
  The applicants are often - by Iranian standards - from well-to-do backgrounds.
  Applicants with fewer professional qualifications are often taxi drivers, casual workers or manual workers.
  Around 10% of applicants state that immediately before leaving Iran they were unemployed. Many women were employed in state institutions, for example as teachers.

- **region of origin**

  About 70% of applicants come from Teheran, about 5% from Isfahan and Khuzestan respectively and 4% from Kurdistan.

– **ethnic group**

80-90% of the applicants are Persian and the rest are evenly divided among other ethnic groups (Armenians, Azerbaijanis, Kurds and others).

**(b) Reasons given**

– **membership of a party or political organisation or trade union**

Often applicants state that they are members or sympathisers of a People's Mujaheddin or People's Fedayin group and have supported such groups by fairly minor activities such as distributing newsletters or providing courier services.
Some applicants also claim membership of a monarchist group; they may fear prosecution because they have distributed leaflets or photos of Reza Shah II, for example.

– **political activities**

Students in particular say they fear persecution because of political activities. Usually, they claim to have participated in public meetings or to have distributed leaflets critical of the regime at the university.
Occasionally, applicants also allege persecution by the state because they have taken part in demonstrations or internal meetings of opposition groups.

– **political activities in exile**

In the initial asylum procedure fewer and fewer applicants invoke political activities in exile. In the follow-up procedure applicants more frequently report political activities in exile in the form of participation in protest meetings and demonstrations against the Iranian Government and back up their statements with party membership cards, photos and newspaper articles. These applicants are often members of Mujaheddin groups or monarchist organisations.

– **domestic violence**
– **women leaving Iran with minors without permission from their husbands**

These do not figure among the reasons given for seeking asylum.

- **problems connected with the possession of unauthorised materials (video tapes, alcoholic drinks, satellite receivers etc.)**

  More frequently applicants justify their asylum applications on the grounds of persecution because they have sold video recorders, satellite receivers or prohibited video tapes or have distributed satires against mullahs. In this context, owners of shops selling electronic equipment and students in particular allege confiscation, house searches, interrogations and short-term detention.

- **religious affiliation**

  Recently, applicants have cited discrimination at work or in daily life because of membership of the Armenian Christian Church.

- **general**
- **immoral behaviour/application of Sharia**
- **sexuality/adultery**
- **rejection of the Muslim faith and/or conversion to a religion other than Islam**
- **position of women**
- **position of homosexuals**

  Coercive measures in connection with the Sharia are mentioned fairly rarely. Here, it is most often women who report disciplinary measures, which are generally fines or reprimands for failure to observe the regulations on clothing and morality. Homosexuality plays a fairly minor role in applicants' statements, but is occasionally mentioned. Rejection of Islam and adultery are scarcely ever alleged.

- **situation of ethnic minorities**
- **ethnic conflicts, including statelessness**

  Armenians often allege difficulties in co-existing with the Persian majority or harassment by State authorities.
  Kurds occasionally allege persecution because of their open support of Kurdish interests or an independent Kurdish State.

- **refusal to perform military service/desertion**

  This has not been given recently as a reason for seeking asylum.

- **threatened by non-state entities**

  This does not arise.

- **prisoners**
- **other reasons (e.g. human rights violations)**

  Alleged cases of arrest, detention and torture are almost always connected with a political commitment to a banned party or organisation (see first indent).

**(c) How did the applicant leave his country of origin (specify place of origin)**

- **Who made the arrangements for departure?**

  According to the applicants, departure usually takes place with the support of organised helpers. Initial contact with illegal immigration networks is as a rule through family members or friends.

- **What services were provided by a facilitator?**

  Clandestine immigration networks offer "complete asylum packages"; services range from obtaining air tickets and forged passports to facilitating the crossing of borders.

- **How much was paid and who provided the funds?**

  Usually applicants mention prices of between US $4 000 and 8 000. Journeys were paid for either with the help of family members or from an individual's own savings, or a mixture of both.

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**(d) Route taken when and after leaving the country of origin**

- **means, routes and border-crossings when leaving Iran**
- **means, routes and border-crossings after having left Iran**

– Route 1: direct flight Iran-Germany

About 40% of applicants stated that they had come from Teheran to Germany by direct flight.

– Route 2: overland to Turkey - Istanbul - by air to the Federal Republic of Germany

This route was given by the overwhelming majority of asylum-seekers. First, they were brought into Turkey by a facilitator. They left Iran usually overland via the Bazargan border crossing into Turkey. The main stopping-off place in Turkey was Istanbul. Thirty per cent of asylum-seekers questioned said they had spent most of their time in Turkey there. From Istanbul the Iranians claimed to have reached the Federal Republic of Germany with the help of further facilitators, usually by air.

– Route 3: by sea to the Gulf States - by air to the Federal Republic of Germany

The third route is a combination of sea and air travel. Departure from Iran was by ship (port of Bandar Abbas) in the direction of the Gulf States. Via these States (in particular the United Arab Emirates/Dubai) applicants travelled to Germany by air.

– Route 4: Via CIS and East European States to the Federal Republic of Germany

The fourth alternative is usually overland via the Near Eastern and East European States. However, in this case too, there is a combination of land and air travel. The main stopping-off place for applicants on this route was Baku in Azerbaijan. Travel to Azerbaijan was overland. From Azerbaijan the journey was either continued by air to the Federal Republic of Germany or overland - by lorry and/or bus - via Ukraine (Kiev), Poland or Austria to the Federal Republic. In addition to Azerbaijan, Belarus and Turkmenistan were also transit States.

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– Route 5: From Iran by air to South East Asia and then by air to the Federal Republic of Germany

Applicants flew from Teheran - or via Turkey - to South East Asia and broke their journey for a short time - usually only long enough to change planes - in one or more transit States. In this context, Singapore, Malaysia (Kuala Lumpur) and Thailand (Bangkok) were mentioned. From South East Asia they then entered the Federal Republic by air either directly or via a European transit State.

– **documents presented at border controls**

Most applicants claim to have presented forged Iranian passports at border control posts when leaving the country by air. Genuine passports are shown only in isolated cases.
Many applicants cross the land border into Eastern Turkey without travel documents. They often claim to have received forged passports from facilitators in Istanbul or Ankara.

– **shorter or longer stay in other countries**

When Turkey is entered overland, most applicants say they stayed several weeks or months in Istanbul or Ankara.
In the case of other third States they say they stayed long enough only to travel through.

**(e) Documents produced in support of the application**

– **type of documents produced by the applicants**
– **identity papers**
– **documents in support of persecution claim**

Applicants usually do not produce passports. As a general rule they state that the passports used during the journey were collected by the facilitator. More frequently, they produce identity cards, birth certificates, driving licences, school certificates or university degrees.
Applicants also often produce membership certificates from political organisations in exile in support of their applications.
Sometimes applicants carry arrest warrants with them, often only in the form of copies.

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- **authenticity of documents and how determined**

  The authenticity of the identity cards, birth certificates and evidence of professional qualifications produced is usually not in any doubt.
  Membership certificates from exiled political organisations active in Germany are also genuine as a rule. Authenticity can be checked with the relevant groups.
  On the other hand, arrest warrants or summonses often turn out to be forgeries.

- **at what stage of the procedure are documents produced as evidence?**

  These documents are produced either during or after the interview with the Federal Office for the Recognition of Foreign Refugees. It is noticeable here that Iranian applicants often do not lodge their asylum applications until several weeks after their entry. By then they have usually instructed a lawyer and very frequently have a comprehensive written statement prepared .

**(f) Were applications made on entry or within the country?**

Applications are sometimes made on entry, but often not until a few weeks later.

**3. Assessment of applications in accordance with the Geneva Convention**

**(a) How do you assess applications from asylum applicants that mainly invoke:**

- **the general situation in the country**

  Applicants generally do not base their asylum applications on the general situation in Iran, but invariably claim specific instances of harassment or persecution.
  Although individual freedoms and the right to participate in the political process may be restricted in Iran, in principle this cannot be seen as amounting to deliberate political persecution. The whole population is affected by the current political, social and economic conditions in Iran.

- **political activities (distribution of leaflets, participation in demonstrations etc.)**

  It depends on the circumstances in each individual case whether political activities such as distribution of leaflets or organising protest meetings can result in coercive measures by the State. While extremely strict measures were taken in the years following the revolution, the situation in recent years has become rather more relaxed.
  For that reason, there is no question of granting asylum unless there is a risk of serious persecution on return to Iran. In practice, applications based on that risk are often unsuccessful because of contradictory and unsubstantiated allegations by applicants.

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- **domestic violence**

  This does not figure among the reasons given for seeking asylum.

- **membership of an ethnic group**

  In principle Iran pursues a policy of tolerance towards the various ethnic groups. Even ethnic Armenians are not in danger of persecution.
  Kurds are in danger of State persecution only if they support the organised Kurdish opposition. In practice, the most common reason for not granting asylum is lack of credible evidence.

- **problems connected with the possession of unauthorised materials (video tapes, alcoholic drinks, satellite receivers etc.)**

  Measures taken by the State on grounds of possession of unauthorised materials are not as a general rule justification for granting asylum. Generally speaking, infringements of that kind result in fines, confiscation, the closing down of businesses and house searches. In themselves these do not amount to persecution serious enough to qualify for asylum purposes.

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- **religious affiliation**

Membership of a Christian church does not constitute sufficient grounds for an asylum claim.
Members of Christian minorities are among the constitutionally recognised religions and in principle enjoy religious freedom.
However, proselytising on behalf of any religion other than Islam is not tolerated. The State regards missionary work as jeopardising its Islam-based claim to power.
Christians who engage in missionary work therefore run the risk of State persecution.

Members of the Bahai are particularly at the mercy of the Iranian authorities. The State regards them as a political rather than a religious group, conspiring against Islam. Bahai are excluded from universities. They have problems being accepted into further education establishments. They are permitted to practise their religion only in private houses.
In individual cases, therefore, it may be considered that Bahai are subject to persecution which could constitute grounds for asylum.

- **immoral behaviour/application of Sharia**
- **general**
- **rejection of the Muslim faith and/or conversion to a religion other than Islam**
- **sexuality/adultery**
- **position of women**
- **position of homosexuals**
- **west-oriented persons**

Punishments pursuant to Islamic law do not in themselves represent political persecution.
However, a threat of physical punishment, for example because of adultery or prohibited sexual relations, often constitutes a ground precluding expulsion pursuant to Section 53 of the Aliens Act and Article 3 of the European Convention on Human Rights.

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Rejection of Islam may result in persecution serious enough to give grounds for asylum. Although apostasy is not against the law, on conversion, an apostate will as a rule join a religious community which engages in missionary work and be at risk of persecution as a member of such a community.

Instances of discrimination against women do not generally constitute serious enough interference to provide grounds for asylum. If fines or short periods of detention are imposed because of un-Islamic dress or appearance, this still cannot be seen as political persecution.

In individual cases homosexuals are granted asylum.

- **conversion to a religion other than Islam after arriving in your country**

  Refugee status is only granted in cases of conversion from Islam to Christianity if there is proof of active missionary work carried out in public.

- **collective persecution/discrimination**
- **persecution performed by non-state entities, e.g. ethnically composed militias**

  These circumstances have no bearing on decision-making practice.

- **militant activities within parties opposed to the central government (if positive specify)**

  If credible evidence is presented of work for an opposition party, asylum is usually granted.

  Membership of officially banned groups can result in persecution by the State. Among these banned organisations are above all left-oriented (e.g. former Tudeh party, Mujaheddin-e-Khalq) and monarchist groups. For members of organisations who take up arms against the State there is a high risk of persecution. Members of the People's Mujaheddin in particular have reason to fear punishment simply because of their membership.

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- **political activities in exile**

  Political activities by an Iranian in exile can result in political persecution on his return in particular if his political activities were very open or if he is a prominent representative of a banned opposition group. In such cases asylum or protection from expulsion pursuant to Section 51 of the Aliens Act is granted. Where political activity in exile is on a smaller scale, the matter depends on an assessment of all the circumstances of the case. Simply taking part in demonstrations or distributing leaflets is not as a rule sufficient to result in political persecution.

- **danger of persecution (merely) due to the fact that an application for asylum has been made**

  As far as we know, simply applying for asylum abroad does not result in persecution by the State in Iran. There are no known cases of a returnee being exposed to political persecution because of an asylum application made in Germany.

- **desertion or failure to report for military service**

  Punishments for refusal to perform military service or desertion are not in principle to be regarded as political persecution.
  It cannot be inferred from the extensive rules on military service in Iran that conscientious objectors or deserters are liable to excessive punishment. An application on these grounds therefore has generally no prospect of success.

- **prisoners**
- **victims of sexual violence**
- **torture**
- **provisional detention**
- **others (e.g. other human rights violations)**

  Occasionally, an applicant claims to have been imprisoned - often for a fairly long period - or to have suffered torture because of political activities. If the allegations are credible, asylum is usually granted. Most applications, however, fail because of insufficient evidence of the alleged imprisonment.

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**(b) Is there an internal flight alternative? If so, please state to which group(s) this applies, and the areas**

Practice followed hitherto by the Federal Office does not recognise any internal flight alternative. At present there are no areas of the country which are known to be sufficiently safe from political persecution.

**4. Cases of asylum-seekers whose relatives have requested asylum in other countries of the Union**

No such cases are known to us.

**(a) Do asylum applicants use a Member State as a country of transit for travelling further ("Resettlement") to the USA?**

Germany is a transit country for Iranian nationals travelling on to Canada or the USA, as emigration checks have revealed in particular cases.

**5. Cases of asylum-seekers who voluntarily refused protection offered by humanitarian organisations which operate (in loco) (hosts in accommodation camps, protected camps). If positive, how do they explain (justify) that?**

No such cases have arisen hitherto.

**6. Possible application of exclusion clauses (Article 1F of the Geneva Convention)**

The exclusion clauses in the Geneva Convention are not applied under German law. However, there is a possibility of rejecting an asylum application as manifestly unfounded pursuant to Section 30(4) of the Asylum Procedure Act if the prerequisites pursuant to Section 51(3) of the Aliens Act, which essentially corresponds to Article 33(2) of the Geneva Convention on Refugees, are met. This is the case if there are serious grounds for believing that the person concerned represents either a danger to the security of the Federal Republic of Germany or a danger to the public, because he has been convicted by a final judgment of a particularly serious crime. However, a person entitled to asylum can also be repatriated pursuant to Section 51(3) of the Aliens Act.
Expulsion is, however, postponed if there are humanitarian reasons precluding it pursuant to Section 53 of the Aliens Act, such as for example threat of the death penalty or treatment which violates human rights.
In practice these rules have not been applied recently to applicants from Iran.

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7. **Basic procedures for scrutinising applications:**

   - **Before taking a decision, do you interview applicants systematically or selectively?**
   - **In the latter case, on what criteria is the interview based?**

   A decision is taken in the asylum procedure on the basis of a personal interview in which the applicant is systematically and comprehensively questioned about his reasons for seeking asylum.
   Exceptionally, an interview may be waived if the documents already provide sufficient grounds for granting asylum.

8. **Treatment of asylum applicants whose applications are refused:**

   - **repatriation to country of origin**

   Repatriation is normally by air to Teheran.

   - **are there any special difficulties in returning applicants to their country of origin?**

   When applicants are returned, care is taken to ensure that the Iranian authorities are not informed of the reason for expulsion and do not learn of it by other means.

   - **expulsion to third country**

   Expulsion to third countries, e.g. to safe third States, did not take place in 1996 or 1997.

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## 1. STATISTICS FOR IRANIAN NATIONALS APPLYING FOR ASYLUM DURING THE PERIOD 1993-1997

| | 1993 | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|---|
| ASYLUM APPLICATIONS | 39 | 96 | 126 | 177 | 139 |
| REFUSED | 12 | 18 | 48 | 137 | 120 |
| GRANTED | 1 | 44 | 42 | 24 | 17 |
| **TOTAL** | **13*** | **62*** | **90*** | **161*** | **137*** |
| RESIDENCE TOLERATED | - | 12 | 22 | 26 | 87 |
| REFUSED AND RETURNED TO IRAN OR TO A THIRD COUNTRY | - | - | - | - | - |

**Note:** The difference between the number of asylum applications and the number of applications refused/granted is due to the fact that decisions on some of the applications were made during the following year.

## 2. DETAILS OF APPLICATIONS SUBMITTED BY IRANIAN CITIZENS

### (a) APPLICANT PROFILE

Most Iranian asylum applicants are men aged 25-35. Quite often they are accompanied by their wives and dependent children.

In most cases, they have no relatives in Greece.

They are either of Iranian origin, in which case their level of education is relatively high (secondary or university education), or of Kurdish origin, usually with a lower level of education.

Most applicants are middle-class; the majority are Moslem and a few Christian.

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(b) REASONS GIVEN

Iranian asylum applicants give as a reason their general opposition to the regime in Iran. In a number of cases, they also refer to political activities, such as active membership or lack of membership of political parties. In other cases, they refer to their opposition to the Iranian regime or the repression to which they are subjected in general because of strict religious convictions or because of their political or ideological opposition.

There have been no cases where the reasons given involved possession of unauthorised materials (e.g. video tapes, alcoholic drinks, satellite dishes, etc.), or claims of immoral behaviour against them under the Sharia law (cases of sexual misconduct, adultery, rejection of the Islamic faith or conversion to another religion).

Neither have there been any cases of asylum applications by women, accompanied by dependent children, who left Iran without their husbands' permission.

Finally, there have been no instances involving the social position of women or homosexuals, or ethnic minorities, ethnic conflict, refusal to perform military service or fear of non-state entities.

(c) HOW THE APPLICANT LEFT IRAN

Iranian asylum applicants are normally assisted by the usual networks involved in facilitating the entry of foreigners from Asian countries into Greece. The assistance mainly consists in the provision of means of transport and food. The remuneration received by the "facilitators" varies, normally amounting to between US $500 and US $2 000 per person according to the distance and number of people involved.

(d) ROUTE TAKEN

Asylum applicants usually set off by road from Iran, cross the border into Turkey or northern Iraq, and make their way either to northern or to western Turkey. They then enter Greece illegally via the Greek/Turkish land border or the Greek islands situated opposite the Turkish coast.

There are also cases of Iranian nationals entering legally, particularly via Athens airport and then seeking asylum.

(e) DOCUMENTS PRODUCED IN SUPPORT OF THE APPLICATION

Most applicants produce no documents to prove their claims and support their applications.

(f) APPLICATIONS ON ENTRY OR WITHIN THE COUNTRY

Most applications by Iranian nationals are submitted after their entry into and residence in Greece has been detected by the authorities. In many cases, asylum applications are submitted by individuals upon arrest at Athens airport, while attempting to travel on forged passports. There are also quite a few cases involving individuals in prison for criminal offences who submit asylum applications in order to avoid expulsion upon release.

## 3. ASSESSMENT OF APPLICATIONS IN ACCORDANCE WITH THE GENEVA CONVENTION

(a) The reasons given are examined on the basis of Article 1a of the 1951 Geneva Convention. Assessment of the danger alleged by the applicant, which can be due to ideological, social, etc. opposition, is carried out in each case on the basis of the information provided by him, and which may relate to torture and persecution because of membership of parties or minorities, failure to perform military service, etc..

(b) INTERNAL FLIGHT ALTERNATIVE

The existence of a central government which controls the whole country precludes any internal flight alternative in Iran.

## 4. CASES OF ASYLUM-SEEKERS WHOSE RELATIVES HAVE REQUESTED ASYLUM IN OTHER COUNTRIES OF THE EU

(a) ASYLUM SEEKERS WHO USE A MEMBER STATE AS A COUNTRY OF TRANSIT FOR RESETTLEMENT IN THE USA

No such cases have arisen.

5. **CASES OF ASYLUM-SEEKERS WHO VOLUNTARILY REFUSED PROTECTION OFFERED BY HUMANITARIAN ORGANISATIONS**

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No such cases have arisen.

6. **APPLICATION OF EXCLUSION CLAUSES (ARTICLE 1F OF THE GENEVA CONVENTION)**

The exclusion clauses in Article 1F of the Geneva Convention have so far not been applied to Iranian nationals.

7. **BASIC PROCEDURES FOR SCRUTINISING APPLICATIONS**

In line with current legislation, in every instance of an application for asylum, the alien submitting the application is always interviewed by suitably trained staff from the authority dealing with the application. The applicant is invited in particular to give an oral presentation of his request and to submit all the documentary evidence in his possession to substantiate his claims. The interview is always carried out with the assistance of an interpreter.

8. **TREATMENT OF ASYLUM APPLICANTS WHOSE APPLICATIONS ARE REFUSED**

Iranian nationals whose asylum applications are rejected are normally not returned to Iran and are usually given a period of three months to leave for a country of their choice, or they are allowed to continue to remain in Greece on tolerance on humanitarian grounds, etc., in accordance with current legislation, in which case they are granted a temporary residence permit, pursuant to Article 33 of the Geneva Convention (non-refoulement clause). Exceptionally, Iranians have been expelled where they abusively resort to asylum applications while serving, or after serving, a sentence for serious criminal offences (drug trafficking, membership of an illegal immigrant smuggling ring), in order to avoid expulsion.

**SPAIN**

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## 1. Statistics

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 (*) |
|---|---|---|---|---|---|---|
| APPLICATIONS | 64 | 243 | 492 | 621 | 168 | 44 |
| GRANTED | 22 | 7 | 22 | 10 | 5 | 10 |
| HUMANITARIAN REF. | - | - | 12 | 5 | 12 | 7 |
| DECISIONS | 80 | 184 | 222 | 486 | 302 | 59 |

(*) Data up to 30 June

## 2. Applicant profile

(a) Gender

60% of Iranian applicants were male. Nevertheless, account should be taken of the fact that approximately half of the adult applicants were married couples coming to Spain accompanied by minor children. Apart from this, the remaining applicants, coming to Spain unaccompanied, are almost invariably male.

(b) Average age

Three main age groups emerge. The first is that of adult applicants aged between 30 and 40, accompanied by their family. The second is that of persons coming to Spain unaccompanied, whose age is lower – between 20 and 30. Finally, a fair number of applicants are the children of the first group mentioned, whose ages vary between a few months and 18, although they may more rarely be between 14 and 18 or even have attained majority.

(c) Minors

There are no cases of applications by unaccompanied minors coming from Iran. However, as has already been mentioned, it is perfectly normal for applicants to come accompanied by minor children.

(d) Religion

There has been a marked change as regards the religious affiliation of Iranian asylum applicants over the past two years. Until 1997, most applicants belonged to one Christian church or another, mainly the Armenian Apostolic Church. From that year onwards, and for reasons which we have attempted to set out in the section dealing with allegations of a religious nature, there has been a drastic decrease in this group. Currently, most applicants are Shiite Muslims.

In a relatively small number of cases (5 per year), applicants claim to belong to the Bah'ai religion. Only exceptionally have there been applicants belonging to the Zoroastrian religion. There have been no applications from Sunni Muslims.

(e) Ethnic group

A number of applications by Iranian Kurds have been registered although these were very few (less than 5 cases per year). The remainder of Iranian applicants did not claim to belong to any distinct ethnic group.

(f) Socio-professional origin

The socio-professional origin of Iranian applicants is exceedingly diverse without it being possible to attribute any particular significance to that diversity.

Generally speaking social extraction may be described as middle class or lower middle class. Rather more than half of the applicants have completed secondary education while only 15% have studied at university. Applicants with no kind of education are fairly infrequent.

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The professional profile is also highly varied but, in general, these are persons holding intermediate-level jobs in commerce, the civil service, the hotel and catering industry or other services (hairdressers, chauffeurs). A small but significant number held jobs corresponding to higher academic qualifications, such as engineers, biologists, doctors etc.

Only very exceptionally have there been applications from professional soldiers, fugitives or deserters.

(g) Region of origin

A large number of applicants come from Teheran. Other geographical origins are recorded, although far fewer, include the regions of Uremieh and Isfahan. There have been no applications from Baluchistan or Iranian Kurdistan.

**3. Reasons given**

(a) Membership of a party or political organisation, trade union or student organisation.

Membership of a political party (or the accusation or suspicion of membership on the part of the authorities) is the cause of persecution most frequently adduced by Iranian asylum applicants.

In general, applicants who claim to be members of a political party say that they belong to the Mojahedin or to some monarchist organisation. In the latter case, applicants frequently fail to specify clearly the group to which they belong, limiting themselves to broad references on the lines of "the Shah's son's party".

Recently there have been no applications mentioning membership of the Iranian People's Fedayin Guerilla Organisation, although such applications used to be frequent.

More rarely, there have been applications in which the basis for persecution is claimed to be membership of the Tudeh Party (Communist Party).

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Alleged membership of a pro-Kurdish party (eg. Democratic Party of Iranian Kurdistan) is also very rare.

In the great majority of these cases, applicants claim they have no special position in the organisation to which they belong. In most cases they claim to be mere sympathisers or, at the very most, ordinary members. Likewise, their involvement did not go beyond distributing pamphlets or making verbal propaganda on behalf of the party to which they claim to belong. In general, their level of political education, including knowledge of the ideology, structure and modes of functioning of the organisations to which they claim to belong, are limited or even exceedingly limited.

Frequently, applicants say that they have no link with a political party but have been accused by the authorities following the detention of a friend or family member with such links, or have been regarded as belonging to a party merely because they expressed opinions critical of the Iranian regime.

There have been no applications on grounds of persecution for belonging to a trade union or student organisation.

(b) Political activities

Where such activities have been adduced as grounds for alleged persecution, this is generally in the context of a broader claim of membership of a political party.

However, a number of applications have been made in which the applicant stated that he held a position contrary to the Iranian regime which did not involve membership of an organisation. In such cases, persecution was claimed to have begun when the applicant had made public his opinion in the course of a meeting, or in university circles, or had been the subject of a personal or house search in the course of which compromising books or pamphlets had been found.

(c) Political activities in exile

There have been no applications on such grounds.

(d) Domestic violence

There have been no applications on such grounds.

(e) Problems connected with the possession of unauthorised materials

Again, such allegations – where they arise – are subordinate to a principle cause of persecution of a political or religious nature. For instance, the common claim is membership of a certain party or movement, which has given rise to a personal or house search, in which unauthorised propaganda has been found. In other cases, the problem has arisen because the applicant claims to have been caught with some product prohibited by the laws imposed by the Iranian regime, such objects varying from the film "Never without my Daughter" to possession of a parabolic dish, silk clothing, foreign perfumes etc.

(f) Religious affiliation

In the years prior to 1997, most asylum applicants of Iranian origin belonged to the Armenian Christian religion and based their applications on persecution by the Iranian authorities because of their adherence to that religion. Quite apart from the opinion reached on such applications, it is quite certain that most such applicants travelled to Spain in order to obtain access to the resettlement programmes made available by the United States for members of this Iranian minority. These programmes were administered by the American Embassy in Madrid, and applicants made use of the time in which their applications were being considered to complete the necessary formalities with the US authorities.

From 1997 onwards, on the contrary, the presence of Iranian asylum applicants claiming membership of the Armenian Christian religion became very rare, both in absolute terms and in relation to the total applications coming from Iran, not exceeding 10% of all such applications. This change in trend does not seem to correspond to any change in circumstances in the country of origin, but rather to the fact that the United States have cancelled their resettlement programme for the Armenian-Iranian minority. Likewise, from 1997 onwards, the Spanish authorities began to reject very expeditiously applications from this group unsupported by specific grounds justifying their consideration in depth (see section corresponding to the evaluation of applications based on religious affiliation).

The applications now being submitted in most cases contain some special grounds distinguishing them from the applications which used to be made by this group. Thus, for example, some applications come from Armenian Christians who are members of Protestant faiths alleged to have taken part in active attempts to make converts among the Muslim population. There have also been cases involving members of priests' or pastors' families.

Membership of the Bah'ai religion is also claimed as a cause of persecution by all applicants professing that religion, although the number of applications based on those grounds is very low, not exceeding 5 a year. In these cases, the form of persecution varies from generalised discrimination to detention, imprisonment, physical maltreatment and even a risk of death.

(g) Application of Sharia

Generally speaking, many allegations relating to application of the Sharia also claim other grounds of persecution (e.g. Christian applicant who alleges persecution for celebrating a wedding or birthday party). Applications referring, usually rather imprecisely, to conduct contrary to the Iranian codes of conduct (not being properly veiled, wearing make-up, walking in public with a person of the opposite sex) are also infrequent. There are however a number of exceptions to this general situation: apostates, mixed marriages, adulterers and homosexuals.

Allegations of apostasy are rare among those seeking asylum in Spain. In recent years only a few such cases have been recorded (1 in 1995, 2 in 1996 and none in 1997 or 1998). In all these cases, the applicants converted to a Christian church in the 80's and told of a gradual worsening of their situation in relation to the authorities, which had ended with their having to flee the country. This deterioration lay not so much in concrete actions by the authorities against the applicants as in the feeling that, to avoid having to show their new religious faith openly, applicants were obliged gradually to stop frequenting professional or social circles, thus giving rise to a certain isolation, accompanied by a permanent feeling of insecurity.

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Applications based on persecution or the fear of persecution as a result of a mixed marriage are also rare. Up till 1997, these concerned couples in which the husband was Christian and the wife Muslim and the wife had converted to the husband's religion or had been through a Christian wedding without prior conversion. The accounts accompanying these applications contained no references to direct reprisals but to problems arising from their attempts to hide the situation (e.g. need to rent a house with one's family, in which the couples pretended to be brother and sister).

In 1997, there was an application in which the husband was Muslim and the wife Christian. In this case, the applicants alleged that they had been treated as social pariahs, even in the husband's family, and had been subjected to pressure by the Iranian authorities to convert the wife.

In 1997 and 1998 there were more applications than previously in which the interested parties claimed that they feared problems as a result of an adulterous relationship. The profile of such applicants was always the same. Male applicant having a relationship with a married woman (except when a claimant affirmed that he was not aware of the woman's status) in that woman's home, in which the couple had been surprised by the husband, who in many cases was a member of the Pashdaran, with the applicant fleeing through the window and leaving the country for fear of being sentenced to death. There were no cases in which the applicant was a woman or in which the applicant was married.

Allegations of homosexuality have been relatively more frequent (between 5 and 10 applicants per year in 1995 and 1996), although the figures went down to below 5 a year in 1997 and 1998. Accounts of persecution generally have a common profile, involving two arrests, the second detention being harder than the first, ending up with the person leaving the country for fear of a third arrest which, in theory, would mean death. These arrests are invariably based either on accusations by third persons or on mischance, and never because the applicant has been caught, say, in the company of other acknowledged homosexuals or in a "gay" meeting place. In all cases, applicants were male and aged between 20 and 30, came to Spain unaccompanied and declared that they were homosexual. Only on two occasions in recent years have cases been recorded of women who claimed to have been the object of accusations of homosexuality. Those accusations were in any case in addition to another principal cause (membership of a religious minority or religious party) and were not based on authentic homosexuality on the part of the persons concerned.

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(h) Ethnic conflicts

Membership of an ethnic group has only exceptionally been adduced as the cause of alleged persecution by asylum applicants in Spain. Where this has been the case it occurred before 1997 and related to membership of the Kurdish minority.

The problems claimed by the Armenian community relate not so much to ethnic origin as to non-Muslim religion. However, a number of Armenian-Iranian claimants mention that they have suffered from actions arising out of a policy on the part of the authorities intended to eliminate outward signs of Armenian identity.

There have been no cases of statelessness.

(i) Desertion/refusal to perform military service

In 1997 and 1998 a number of applications were registered by young men who based their claim on problems directly arising out of this set of circumstances. There have also been a number of cases of professional soldiers who have requested asylum in Spain over the past four years, the main cause claimed being general opposition to certain actions by the regime, which came to the attention of the authorities, compelling the applicant to flee.

(j) Other reasons

Where other reasons were claimed, such as violations of human rights (e.g. illegal detention, use of excessive violence etc.) the facts alleged were usually adduced in the context of another cause of persecution, such as membership of a religious minority or real or supposed affiliation to a political organisation.

## 4. Method of leaving the country of origin

A number of the considerations which follow were set out in the report sent to the CIREA Group in September 1996 and these remain valid to this day. In other cases the situation has altered owing, fundamentally, to changes in the profile of applicants to which attention has been drawn in the relevant sections.

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In the first place it should be pointed out that the reports on how people left the country are in many cases difficult to prove. For example, where the applicant affirms that he left Iran by air with a false passport (which he then fails to present, alleging that he returned it to the persons who issued it to him), it is not always possible to establish whether the affirmation is true or whether the truth is that the passport was genuine and the visa for Spain was false. It is likewise difficult to determine whether a claimant who says that he flew with a false passport to another European country and entered Spain by a land route really followed such a route or whether, on the contrary, he used his authentic passport or travelled directly to Spain using a false one.

It should therefore be noted that the answers concerning exit routes are based upon applicants' accounts and do not necessarily reflect the real way in which they left the country. In fact, cases are frequent in which, where evidence is available, it turns out that the applicant spent a more or less long period in another European country (frequently Germany or the Netherlands) or used a genuine passport and obtained an authentic visa from the Spanish Embassy in Teheran, hiding this situation on arrival in Spain so as to keep his account coherent.

In many cases applicants coming from Iran affirm that they left that country illegally either because their documentation and tickets were obtained through networks of facilitators or because they crossed the land frontier illegally and subsequently reached Spain by air with false documentation, usually via Turkey.

This pattern is valid for any point of departure in Iran and for all types of claim.

This form of exit is in any case consistent with accounts of persecution of the applicants, which in the great majority of cases mention situations (being the subject of a search warrant, awaiting trial etc.) in which it would be difficult to justify legal exit from the country.

Arrangements for leaving Iran illegally were carried out by the applicant himself, in many cases helped by his family or friends, or directly by the latter. On the basis of applicants' declarations, the figures paid for these services vary between 7 000 and 10 000 US dollars per trip, depending largely on the number of persons involved (families or isolated individuals) and on the risk entailed. Tariffs do not appear to vary according to the type of travel, whether by air or overland and then by air.

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The services provided by facilitators, again according to the accounts given by applicants, are alleged to consist of obtaining a passport with a Spanish visa, together with tickets for this country (these are thought to be return tickets). In cases of overland travel, one must add the illegal crossing of the Turkish frontier and transit to Istanbul. It is significant that, according to most applicants, these facilitators are alleged to accompany them to Spain where, after passport control, they recuperate the forged documentation.

Over the past two years, however, there has been a marked increase in the percentage of applications by persons leaving Iran legally, invariably by air, with legally obtained travel documents and visas, provided both by the Iranian and the Spanish consular authorities. In these cases, it is usual that such persons should claim to be coming to Spain in order to visit a family member, or for purposes of tourism, after which they request asylum once on Spanish territory. Usually, the accounts given are not incompatible with the fact of having left the country legally and they tend to contain an element explaining that legal exit, despite claims of persecution (e.g. exit before the issue of a court summons).

## 5. Routes used by applicants

The routes used by applicants may be divided into two main groups:

- Illegal exit from Iran, crossing the Turkish frontier overland, transit to Istanbul and from there travel with forged documentation to Spain (Madrid airport).

- Legal exit from Iran by air. Sometimes this route is taken using false passports. It is to be supposed that applicants use a passport to enter Spain although most claims are made within Spanish territory. However, as has been pointed out, applicants usually insist that the facilitator accompanying the group remained in the first European country in which they disembarked with their forged documentation, after going through passport control.

Despite the foregoing, it should be stressed that these are the routes referred to in applicants' accounts, but it is not possible to prove whether they are the real ones. Usually most applicants spent more or less time in European countries, either as asylum applicants or even as refugees. Cases have also been noted in which applicants who claimed to have no documentation did in fact possess a passport or had departed on a genuine passport and visa legally issued by the Spanish authorities in Iran.

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## 6. Place where applications are made

As has already been mentioned, most applications are made within Spanish territory. There have been cases in which the applicant claims a change in conditions within his own country which, he says, has given rise to a situation making him a refugee "sur place".

## 7. Documents provided in support of the application

Iranian claimants of Armenian origin in all cases present certificates of baptism and membership (same document) of the church to which they belong. Information exists to the effect that these certificates are frequently forged. In Spain (1995 and 1996) a number of forgery networks have been intercepted, some of which were falsifying such documents. However, these documents were never very reliable. It has been noted that a number of persons of Armenian origin who claimed to have been baptised had in fact converted to another religion or abandoned all religious practice. There have even been cases of claimants who presented simultaneously certificates which show two incompatible religions, while both certificates were authentic.

Claimants frequently present identity documents such as identity cards, driving licences or military service records. In principle, such documents appear to be authentic and, moreover, there is no reason to cast doubt upon them, since they never have any direct bearing on allegations of persecution by the claimant. Everything would appear to indicate that the claimants, regardless of whether they leave Iran on a forged passport or an authentic passport which they subsequently fail to produce for the Spanish authorities, use such documents as a means of confirming their identity without claiming to back up any other aspects of their account.

Together with these identity documents, the other kind of document very frequently presented by Iranian claimants, regardless of their origin or religious affiliation, is a court summons. Generally speaking, it may be affirmed that such summons are forged since there are many details pointing that way. It is very common for the documents provided to be mere photocopies, the original of which the claimant says he does not possess. In cases where the original is provided, these are frequently hand-written documents with a stamp which turns out to be a photocopy. In many cases there are irregularities as to content, such as issue of the summons in a city other than that where the claimant is resident (summons invariably for a Teheran court), or the fact that the court does not

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coincide with the type of offence of which the claimant alleges he is accused, were issued on a Friday, mention an offence which does not correspond to the conduct attributed to the claimant, or seals or stamps which do not correspond to the body sending the document, etc.

**8. Assessment of applications in accordance with the Geneva Convention**

(a) General situation in the country

Allegations with regard to the general situation in the country are not regarded as sufficient for the purposes of granting refugee status.

(b) Activity in opposition parties

Given the situation of opposition parties in Iran, active militancy in such a party may give rise to persecution or the fear of persecution and consequently lead to the granting of refugee status.

However, it should be pointed out that such militancy must involve certain characteristics. For instance, it must be known to the authorities. Likewise the position of the authorities is important with regard to the party or movement in question. Thus, while a member of the Mojahedin may be justifiably afraid of mere discovery of his membership, a militant in one of the various small monarchist groups would have to produce other specific reasons going beyond mere membership to justify such fear.

(c) Political activities

Such activities may give rise to the granting of refugee status where, by their nature, they might place the applicant in a situation in which he might suffer from actions which could be regarded as persecution. For instance, sporadic participation in a demonstration, although followed by detention mainly for purposes of identification, would not give rise to refugee status. It would, however, do so where such participation or arrest gave rise to – or there was a well-grounded fear that they might give rise to – more serious consequences.

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(d) Problems of possession of unauthorised materials

In principle, possession of unauthorised material would not in itself give rise to the granting of refugee status. However, this might be granted where such material (for instance, documentation having a political content) might reasonably be connected with membership of a political or religious group or where, as in the previous section, it could give rise to more serious consequences.

(e) Application of Sharia

– Apostasy

According to information available, apostasy is punishable by death under Koranic law. Information is also available to the effect that this sanction is not applied in all its vigour save in a number of well-known cases (for instance, the Christian bishops assassinated in 1994). However, apostates do appear to be in a difficult situation when it comes to practising their new religion and continuing to live a normal professional and social life. For this reason, where apostasy has effectively taken place, and where, given the personal circumstances of the claimant or the characteristics of the religion to which he has converted, these difficulties may make it impossible to live in Iran, apostasy is regarded as being a valid cause for the granting of refugee status or, depending upon the case, another form of protection.

– Adultery

Problems arising from adultery are not regarded as giving rise to protection under the 1951 Geneva Convention, since such problems derive from causes which cannot be identified with any of those mentioned in the Convention. However, given the sentences applicable in Iran for such conduct and the relative lack of legal safeguards, sufficiently well substantiated claims proving action against the claimant on such grounds would be serious cause for some type of protection. Such protection would involve no return to the country of origin.

In any case, it should be pointed out that experience with claims based on this kind of persecution tend to be unsatisfactory. Generally speaking, claimants give stereotyped and unlikely accounts (e.g. all mention jumping out of a window when the husband appears) and such people disappear once they have made their claim.

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– Situation of women

The situation of women in Iran is not in principle regarded as grounds in itself for the granting of refugee status. However, depending upon personal circumstances (e.g. activism on behalf of women's rights) or the characteristics of activities by the authorities (e.g. risk of disproportionate sanctions for certain conduct) there may be cases in which some form of protection will be granted, including even the granting of refugee status.

– Situation of homosexuals

The situation of homosexuals in Iran may give rise to the granting of refugee status, provided this condition is assumed in a way that may place claimants in a position of danger to physical integrity or freedom.

(f) Religious persecution

Membership of the Bah'ai religion is regarded as sufficient to justify the granting of refugee status.

Membership of a Christian church connected with an ethnic community is not regarded in general as being sufficient in itself to justify the granting of refugee status. According to all available information, such communities are free to practise their religious rites normally and suffer from no persecution on those grounds, although there do exist cases and situations in which there is discrimination and this may, in particular circumstances, give rise to the granting of refugee status where an applicant has suffered.

This criterion is different in the case of religions, such as a number of Protestant churches which admit Muslims and engage in attempts to convert them. Depending upon the personal characteristics of applicants, it may be regarded as necessary to grant refugee status.

Membership of the Sunni sect may give rise to the granting of refugee status depending upon the personal circumstances of the applicant.

(g) Desertion or refusal to perform military service

The general criteria for granting refugee status apply (e.g. reasons for desertion, moment at which the desertion took place, etc.)

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(h) Arrest/imprisonment

The criteria for examining such allegations will take account of the other circumstances surrounding arrest or imprisonment (e.g. whether they were as a result of political militancy or religious affiliation; whether they took place in the context of collective repression or as a result of actions specifically directed against the applicant, etc.). In general, the key factor for the status would be dual. On the one hand, arrest or imprisonment cannot be taken as a justifiable cause in common law cases. On the other, there exists a certain risk or well-grounded fear that this arrest or imprisonment may be followed by other actions which could be regarded as persecution.

Although this criterion could apply to all claims, whether or not there has been previous detention, the difference would depend upon whether there had actually been previous detention and, depending upon its gravity, less weight would be given to establishing the existence of a real risk or fear of persecution.

(i) Membership of an ethnic group

In general, membership of a given ethnic group is not regarded as in itself constituting sufficient grounds for the granting of refugee status.

(j) Asylum applications made outside the country

The fact that an asylum application has been made abroad is not in itself regarded as sufficient cause for the granting of refugee status. According to available information, the Iranian authorities are aware that many people leave the country for economic reasons and use asylum as a means of settling in the western countries. In such cases there does not appear to be any risk for people returning to Iran.

However, in specific cases, this fact may be regarded as relevant for the purpose of granting some type of protection. An example is where one or various applications appear in the news, revealing allegations which might be damaging to the image of the authorities in the country of origin which might, therefore, give rise to reprisals on return.

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## 9. Possibility of the internal flight alternative

In general, given the characteristics of persecution problems in Iran, the internal flight alternative is not considered applicable. However, it is possible to imagine cases in which this might be a valid option, for instance in cases where a member of an ethnic or religious minority suffering persecution or harassment by non-State agents, and where the authorities did not provide effective protection, could avoid such persecution by moving elsewhere in the country.

There has been no in-depth analysis of the possibility of applying this alternative in the case of Kurdish applicants coming from Iranian Kurdistan alleging only ethnic motives or reasons specifically relating to the area in which they live, since there have been no such applications.

## 10. Cases of asylum applicants who voluntarily refused protection offered by humanitarian organisations

There have been no cases of this type.

## 11. Application of the exclusion clause (Article 1F CG51)

There have not recently been any opportunities for applying the exclusion clause of the Geneva Convention. The last occasion on which it was necessary to have recourse to such a clause was in 1995, when a claimant proved that he belonged to the Mojahedin and recognised that he had taken part in actions which, by their characteristics, could be regarded as terrorist acts.

## 12. Procedures for examining claims

Applicants coming from Iran are interviewed selectively. However, most applicants who have passed the screening phase are interviewed (procedure for non-admission on specific grounds) and manifestly unjustified claims are rejected.

The main criterion for carrying out an interview is the need to obtain more information with a bearing on the application, the documentation provided, etc.

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**13. Possibility of an alternative status to refugee status**

Applicants who are not given refugee status may obtain another type of protection, under certain circumstances (see paragraphs relating to the examination of allegations). The figures for the last few years are given in the statistical table in the first section entitled "Humanitarian grounds".

**14. Treatment of rejected asylum applicants**

No data are available about rejected asylum applicants who return to their country of origin or go to another third country.

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**FRANCE**

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Please find enclosed the replies which the French delegation has drawn up for the CIREA meeting referred to above. These replies mainly reproduce those made to the same questionnaire (Telex No 439) for the meeting on 15 and 16 May 1997, which was also on Iran, applications for asylum from that country having changed very little since that time. Text inserted or amended is underlined.

## 1. Statistics

| Year | 1st applications | decisions | granted | % granted | rejected |
|---|---|---|---|---|---|
| 1993 | 165 | 192 | 109 | 56,77% | 83 |
| 1994 | 156 | 124 | 87 | 70,16% | 37 |
| 1995 | 134 | 222 | 94 | 42,34% | 128 |
| 1996 | 148 | 156 | 84 | 53,85% | 72 |
| 1997 | 134 | 151 | 90 | 59,60% | 61 |
| 1998 (5 months)* | 51 | 53 | 24 | | 29 |

*Provisional figures

NB The decisions taken during a given year do not necessarily concern applications submitted the same year, but may concern applications submitted previously.

Number of asylum-applicants whose applications are rejected but who are allowed to remain in France for humanitarian or other reasons: Not available.

**APPLICANT PROFILE:**

| By gender | females | % females | males | % males | total |
|---|---|---|---|---|---|
| 1993 | 60 | 36,4% | 105 | 63,6% | 165 |
| 1994 | 57 | 36,5% | 99 | 63,5% | 156 |
| 1995 | 61 | 45,5% | 73 | 64,5% | 134 |
| 1996 | 74 | 50,7% | 72 | 49,3% | 146 |
| 1997 | 59 | 44,0% | 75 | 56,0% | 134 |

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## 2. Details of Iranian applications

### (a) Applicant profile

- Almost half of applicants are women and two thirds of female applicants are single or widowed (men: one half).

- Couples are uncommon.

- The majority of applicants are under 35 (nearly one third in the 30-35 age group).

- Unaccompanied minors are very rare.

- Two-thirds of applicants are Shia Muslims. Sunni Kurds, Christian Armenians and a handful of Bahai account for the remaining third.

- Four out of five applicants have secondary-school leaving certificates. One out of four has post-secondary education. The majority are employed in lower-middle-class, private-sector occupations (technicians, shopkeepers, etc.).

- Most applicants come from Tehran, but numbers from the provinces are increasing steadily (from Fars, from the frontier with Iraq, the Caspian coast and occasionally from Meshed, Qom and Isfahan, etc.).

- Apart from Kurds, Armenians and Azerbaijanis, ethnic tribal applicants (Baluchi, Qashqai, Bakhtyari, etc.) are the exception. However, Azerbaijanis, who represent a sizeable minority, rarely insist on their ethnic origins.

### (b) Reasons given

- The majority of applicants adduce political reasons, in the form of membership of a political organisation or involvement in political activities.

  The political movements concerned (in declining order of frequency) are:
  Marxist left (Fedayeen-e-Khalq/minority and Peykar mainly)
  Monarchists
  Mujaheddin-e-Khalq
  Kurdish movements (essentially the Democratic Party of Iranian Kurdistan and Komala)
  Religiously inspired liberal and nationalist movement.

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Very occasionally, reference is made to the ideas of progressive Shiite thinkers like Dr Shariati or Ayatollah Taleqani.

- Problems as a result of **possessing illicit materials** are rarely mentioned.

- **Enforcement of the Sharia** is implicit in all applications. However, it is rarely the main ground for applications except as regards the position of women and Islamic apostates.

- **Religious affiliation** is routinely raised by Christians and Bahai.

  Religious persecution is cited in nearly one application in five.

- **Failure to report for military service** is never given as a reason and desertion occasionally, by members of the armed or security forces (increasing number of applications).

- The situation of **ethnic minorities** is mentioned in one application out of ten, almost always involving Kurds, who first describe themselves as political militants. The situation of the Qashqai and Baluchi tribes comes up very rarely. The Baluchi question was raised once in the four years under consideration.

- **Human rights violations** are implicit in nearly every application.

**(c) How did the applicant leave Iran?**

- Three quarters of Iranian applicants **left the country legally** in possession of a passport through Tehran's Mehrabad airport. Many of them report having paid bribes, most frequently to middlemen with contacts in the airport authorities in order to bypass border controls or have a ban on leaving the country lifted.

- OFPRA does not systematically collect bribery statistics and so cannot specify **amounts and payment arrangements**. The most usual source of financing is the family, which will sell personal property. Very occasionally applicants will attribute the financing and physical arrangements for departure to the political organisation of which they claim membership.

- As a rule money is not paid directly to the bribed official but to an **intermediary**.

- OFPRA accepts that **procedures at Tehran's Mehrabad Airport** can be circumvented; more than two-thirds of Iranian refugees have left Iran in this way.

**(d) Route taken when and after leaving the country of origin**

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- Practically all applicants leaving Iran legally do so from Mehrabad airport, usually on a direct flight to Paris.

  Those leaving illegally go on foot through West Azerbaijan (from Khvoy and Urmia) or through Kurdistan (from Sanandaj) to Turkey. The journey then continues either undercover by boat to Greece or Italy or by air with a false passport.

- Although some applicants **spend some time in a third country**, usually Turkey, the great majority come to France as soon as they can from their Iranian exit point.

**(e) Documents produced in support of applications**

- frequently produced **identity** documents are: passports, identity booklets (shenâs-nâmeh), marriage certificates, the cards issued on completion of military service.

  On the whole, Iranian applicants produce few documents proving fear of **persecution**. Applicants have sometimes produced summonses to appear before the Islamic Revolutionary Court, receipts for property deeds lodged as bail with a Court, orders of dismissal from civil service posts (Ministry of Education especially) or decisions rejecting University enrolment on the grounds of non-Islamic behaviour.

  Occasionally certificates from representatives of political movements in exile or medical certificates are produced.

- Such documents are usually produced in the form of photocopies and their authenticity cannot therefore be established with any certainty. OFPRA rarely bases its decisions, whether of acceptance or rejection, on such evidence.

- Documents are produced when the OFPRA form is lodged and are seldom brought to the OFPRA interview.

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**(f) Applications on entry**

Such applications are uncommon ~~and concern~~ Iranians travelling to North America or Northern Europe on forged travel documents, who are checked during transit at Roissy Airport.

## 3. Assessment of applications in accordance with the Geneva Convention

- On its own, a reference to the **general situation in the country** or to harassment (e.g. arbitrary questioning by the **Baseej** or the **Komiteh Engelab Islami**) in connection with the **application of general measures** (rules on clothing, relations between the sexes, possession of illicit material, etc.) is not enough for a positive assessment if the application is not linked to any of the grounds for application of the Geneva Convention.

- **Political militancy** is the reason most frequently cited; well-developed political argument and detailed description of the workings of the political organisation or cell are what count most for a positive assessment.

  The proportion of dossiers of this type which are shown to be completely lacking in credibility during assessment appears to have increased over the last few months.

  Longstanding political commitment counts very much in an applicant's favour at a time when all organised opposition in Iran is impossible except in Kurdistan. Recent limited activities carried on small informal working-class groups centering on a militant of long standing unknown to the security services have also resulted in positive assessment. Militancy on the part of relatives or close friends is also a criterion for assessing an applicant's fears of persecution.

- Experience of **detention, interrogation and imprisonment**, sometimes for very long periods, even if not recent and not always followed by renewed political activity, is an important positive criterion. OFPRA considers that once a person has been detained he is at considerable risk of being rearrested whenever there is a shift in the balance of power within the political structure or a domestic incident (distribution of tracts in a given district, riots, etc). This criterion is particularly significant for former Mujaheddin-el-Khalq militants or sympathizers who at such times run by far the greatest risk of execution.

- Checks and short periods of detention are not systematically regarded as persecution, particularly when they stem from **application of Islamic rules** of behaviour laid down by the Islamic Republic. Applications have to establish that the applicant was singled out for harassment and that she – it is usually a woman – has been especially targeted by the services enforcing the general rules, on account of her religious beliefs (e.g. Christian), past political activity, or her situation as a single or working woman, with her behaviour being seen by the Iranian authorities as opposition to the regime.

- **Apostates from Islam** are eligible for recognition as refugees if their statements are precise, consistent and credible. Such applications are rare.

- The everyday constraints and discrimination suffered by **women** in Iran are not on their own sufficient grounds for recognition but count as an aggravating factor. Again, applications must show that the applicant has been singled out for discrimination. However, a large number of women are granted refugee status; their fears are often regarded as justified because of the combination of several factors (political activity, religious or ethnic affiliations, family situation, etc.).

- Applications based on **homosexuality** are virtually non-existent; such applications are dealt with according to the criteria described above.

- Membership of an **ethnic group** is often assessed positively, since it usually involves **Kurdish** political militants of the DPIK, which conducts its undercover political activity in a focused manner during the assessment. Their applications are assessed according to the criteria set out above.

  A few Qashqai, Bakhtyari and Baluchi have applied to OFPRA in the last three years and all obtained refugee status.

- **Religious persecution** emanating from the authorities or dependent groups is considered positively. This mainly concerns the **Bahai** (an unrecognized community, which has no proper status or protection from the Iranian authorities) and members of various Evangelical churches, several of whose leaders have been assassinated in recent years in unexplained circumstances and whose proselytism is not tolerated. Statements have to be credible and religious affiliation established. However, the mere fact of being Christian (except for Evangelicals) is not enough, even if it is an added factor in an applicant's favour if other reasons are invoked.

- **Desertion or failure to report for military service** is rarely invoked; to be positively assessed it has to be founded on one of the reasons listed in Article 1.A(2)of the Geneva Convention or/and on firm conscientious objection. Applications of this type, which are on the increase, have up until now only resulted in one case of approval.

- Neither **collective persecution** nor **foreign exchange dealing** has ever been invoked.

- **Double jeopardy** is invoked very rarely.

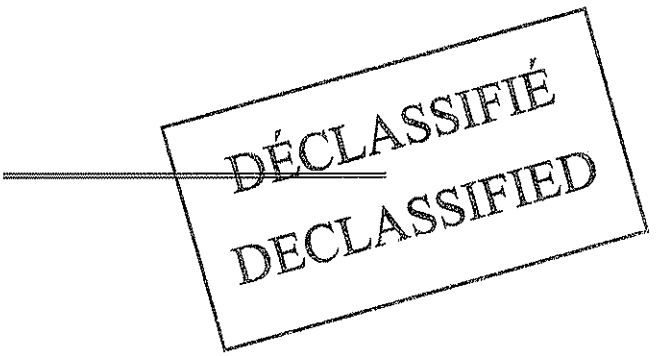
- OFPRA accepts that individuals with well-founded fears of being persecuted by the Iranian authorities can leave from **Tehran Airport** by avoiding controls.

**4.** France does not make use of the **internal flight** alternative.

**5.** OFPRA has not had to deal with any cases of persons voluntarily refusing the protection offered by humanitarian organisations operating in Iran.

**6.** Application of exclusion clauses (Article **1.F** of the Convention) was not envisaged for any Iranian application in the period under consideration.

**7.** Iranian applicants are **interviewed** systematically during the **assessment**. Each application is examined on the basis of the personal evidence provided by the applicant; the purpose is to ascertain the truth of the reported facts and to assess the gravity of the risk of persecution to which the applicant is exposed on the basis of the individual case and the general political situation.



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1 **Statistics.**

| 1993 | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| 0 | 4 | 3 | 7 | 1 |

Refugee Status has been granted to **8** applicants, remaining cases yet to be finalised.

2 **Details of applications submitted by Iranian citizens.**

(a) 80% Male applicants 20% Female applicants

Average Age Group;- 1 - 10 = 4 applicants
25 - 35 = 12 applicants

4 minors

No unaccompanied minors

All but one are Muslim - I Christian

1 Bank employee/5 Students/ 2 Housewife/ 4Self-Employed/1 Electronic Engineer /1 Doctor

(b) Religious affiliations/human rights violations.

- in the case of all but one applicant their claim is based on political activity- distribution of leaflets participation in demonstrations. One applicant converted to Christianity and based his claim on persecution on his religious affiliation.

(c) In the majority of cases the applicants had secured entry visas to Ireland on the basis that the applicants were visiting the State for short periods for business, holidays and educational reasons.

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(d) In all cases the applicants arrived by air having used the following routes; -

Tehran - Paris - Dublin
Izmir - Amsterdam - Dublin
Tehran - London - Dublin

(e) The applicants who had been granted entry visas had passports and identification documents such as birth certificates and driving licences.

**3 Assessment of applications in accordance with the Geneva Convention.**

(a) assessment

The majority of applicants to-date have based their claim on the general situation in the country.

(b) internal flight alternative

*Has not arisen*

## 4 Cases of asylum-seekers who's relatives have requested asylum in other countries of the Union.

## 5. Cases of asylum seekers who voluntarily refused protection offered by humanitarian organisations which operate (in loco) (hosts in accommodation camps, protected camps)

If position how do they explain (justify) that

*Has not arisen*

## 6 Eventual application of exclusion clauses (art.IF of the Geneva Convention)

*We would apply article 1F but have had no reason to do so yet and would be guided by the UNHCR handbook criteria.*

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## 7 Basic procedures for scrutinising applications

*Applicants are dealt with systematically. On arrival the applicants are given a short interview to establish a few basic facts and detailed interviews are scheduled at the first available opportunity.*

## 8 Treatment of asylum applicants whose applications are refused

*To date the question of repatriation has not arisen as the majority of cases have yet to be determined.*

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**ITALY**

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1. STATISTICS

| YEAR | ACCEPTED | NOT ACCEPTED | TOTALS |
|---|---|---|---|
| 1993 | 4 | 24 | 29 |
| 1994 | 10 | 85 | 95 |
| 1995 | 28 | 78 | 106 |
| 1996 | 13 | 25 | 38 |
| 1997 | 21 | 41 | 62 |

2. DETAILS OF APPLICATIONS SUBMITTED BY IRANIAN CITIZENS

Gender

| YEAR | MALE | FEMALE |
|---|---|---|
| 1993 | 22 | 6 |
| 1994 | 55 | 40 |
| 1995 | 56 | 50 |
| 1996 | 31 | 7 |
| 1997 | 39 | 23 |

ACCOMPANIED MINORS

| | |
|---|---|
| 1993 | 1 |
| 1994 | 4 |
| 1995 | 19 |
| 1996 | 5 |
| 1997 | 10 |

RELIGION

Nearly all Muslim, with a very small number of Christians.

2. (a) Socio-professional origin

Upper middle.

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2. (b) Reasons given

Opponents of the regime
Sympathisers with the Mujahedin of the Iranian People
Religious affiliation (Christian, Baha'i, etc.)
Homosexuality

2. (c) How did the applicant leave his country of origin?

Almost all left Iran illegally, paying 2 000-3 000 dollars.

2. (d) Route taken

Many went through Turkey.

2. (e) Documents produced in support of the application
Many presented a letter from the Italian Representation of the National Council of the Iranian Resistance.

2. (f) Were applications made on entry or within the country?

Almost all the applications were made on entry into Italy.

3. ASSESSMENT OF APPLICATIONS IN ACCORDANCE WITH THE GENEVA CONVENTION

The fact of simply describing the general situation of the country does not entitle the applicant to recognition of refugee status.

As for participation in the activities of anti-Government parties, assessment is made case-by-case of whether the various elements are to be considered as constituting persecution under the Geneva Convention, or whether several elements, considered together, can actually be considered as constituting persecution of the applicant for asylum.

4. INTERNAL FLIGHT

The concept of internal flight has not been applied.

5. CASES OF ASYLUM-SEEKERS WHOSE RELATIVES HAVE REQUESTED ASYLUM IN OTHER COUNTRIES OF THE UNION

Data not available.

6. CASES OF ASYLUM-SEEKERS WHO VOLUNTARILY REFUSED PROTECTION OFFERED BY HUMANITARIAN ORGANIZATIONS

No cases.

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7. EVENTUAL APPLICATION OF EXCLUSION CLAUSES

No cases.

8. PROCEDURES FOR SCRUTINIZING APPLICATIONS

Decisions are taken by a college after a personal hearing of the applicant by a member of the Central Committee for Recognition of Refugee Status.

9. ARE ASYLUM-SEEKERS WHOSE APPLICATION IS TURNED DOWN ACCORDED ANOTHER STATUS?

No cases.

10. EXPULSION

Figures not available as asylum-applicants whose applications are refused join the ranks of aliens irregularly staying in the country and who are invited to leave the country.

In 1997 42 Iranian nationals were asked to leave the country and 5 were expelled.

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**I. Member States' statistics for each year during the period 1993 to 1997:**

Statistics are available for 1995 to 1997 only.

1. Number of asylum applicants from Iran (number of applications)
   1995 – 1 application
   1996 – 3 applications
   1997 – 6 applications.

2. Number of asylum applicants from Iran refused:

   1

3. Number of asylum applicants from Iran granted refugee status:

   7

4. Number of asylum applicants from Iran permitted to remain on humanitarian or other grounds:

   0

5. Number of Iranian asylum applicants refused and returned to the country of origin or to a third country:

   0

These figures are explained by the fact that three applications are still being processed. The other applications were either rejected or the applicants re-admitted under Schengen/Dublin.

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## II. Details of applications submitted by Iranian citizens

(a) Applicant's profile:

The majority of asylum applications were submitted by women.

The average age was 30 to 35 years.

Regarding marital status, every situation was represented.

Two applicants had relatives residing in Luxembourg.

The majority of Iranian applicants were of the Muslim or the Baha'i faith.

As to socio-professional origin, applicants were rather highly qualified (engineer, teacher, doctor, etc.).

(b) Reasons given:

The reasons given fall into 3 categories:

1. Activities in opposition groups (in particular a group called the "Revolutionaries' Union").

2. Religious affiliation (Baha'i).

3. Immoral behaviour/application of Sharia.

(c) How did the applicant leave his country of origin?

(d) Route taken when and after leaving the country of origin:

Where we have such information, the asylum applicants left Iran by air from Teheran airport, transiting through Frankfurt airport.

(e) Documents presented in support of the application:

Practically all the applicants had an Iranian passport. Some applicants submitted documents giving details of alleged persecution (e.g. letters of dismissal because of non-Islamic behaviour).

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(f) Were applications made on entry or within the country?

All applications were made within the country.

**III. Assessment of applications in accordance with the Geneva Convention**

(a) How do you assess applications from asylum applicants that mainly invoke:

1. political activities:

Only one case has arisen in Luxembourg. The application in question was rejected because the asylum applicant made very vague and contradictory statements regarding his activities in opposition to the Iranian regime, so that the assertion on which his application was based lacked credibility.

2. domestic violence:

One woman and her two children obtained refugee status because of ill-treatment by the husband.

The husband blamed his wife for not complying with the dress code and for behaving generally in a way which was not in line with Iranian law (the woman painted her nails and did not wear a veil). After she had fled to Luxembourg, where she was working, the husband came and beat her and threatened to take her back to Iran where she would be punished.

The Ministry of Justice therefore considered that the woman and her children had well-founded fear as they risked punishment if they returned to Iran.

3. religious affiliation:

In one case, a Baha'i Iranian couple obtained refugee status.

4. situation of women:

One female doctor also obtained refugee status. This woman belonged to a group of doctors collecting information on the situation of women in Iran. She was imprisoned and several attacks were made on her home. The Minister for Justice considered that this woman had a genuine political activity regarding the situation of women in Iran and that, in view of the attitudes of the authorities when dealing with serious infringements of

women's rights, that activity was likely to be condemned by the Iranian authorities as contrary to the rules of Iranian society and therefore punished.

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(b) Is there an internal flight alternative?

Luxembourg has never taken a decision on this question.

**IV. Cases of asylum-seekers whose relatives have requested asylum in other countries of the Union. Do asylum applicants use a Member State as a country of transit for travelling on to the USA ("resettlement")?**

Only one applicant admitted wanting to use Luxembourg as a country of transit to the USA.

**V. Cases of asylum seekers who voluntarily refused protection offered by humanitarian organizations**

Luxembourg has no knowledge of such cases.

**VI. Possible application of exclusion clauses**

None.

**VII. Basic procedures for scrutinizing applications**

The Ministry of Justice systematically interviews asylum applicants before a decision is taken.

**VIII. Treatment of asylum applicants whose applications are refused**

Luxembourg has not yet repatriated any unsuccessful asylum applicants because the only applicant refused already had a residence permit for Luxembourg which was still valid.

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## THE NETHERLANDS

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### 1. Statistics for the period 1993 to 1997

See Annex I.

### 2. Details of applications submitted by Iranian asylum seekers

*NB: The Immigration and Naturalisation Service's computerised recording system is able to produce data on a limited number of factors relating to procedural aspects of an asylum application. Without scrutinising case files, however, it is impossible to class asylum seekers with any accuracy by ethnic group, religion, sex, age group, socio-professional origin, level of education, etc. Nor is it possible to state precisely what reasons are given for asylum. The information below is therefore based on estimates by individual members of the Immigration and Naturalisation service.*

(a) Applicant profile

- Iranian nationals of all ages apply for asylum in the Netherlands.
- About 60% of them are male and 40% female. In 1997, 67% were male and 33% female.
- Most are Shiite Muslims, but there are also a few Armenian Christians and Sunni Muslims.
- Ethnically, they are Persians, Kurds and Armenians, with a few Azeris.
- Most are reasonably well educated and say they have not come to the Netherlands for economic reasons. They include a sizeable number of self-employed people (small businessmen) and public servants applying for asylum. The standard of education has in fact declined over the years.
- Their place of origin is usually Tehran or other large towns and cities in Iran. However, the Kurds among them come mostly from the region bordering on Armenia or Iraq.
- The number of unaccompanied minors is small. A total of 24 were recorded in 1997.

(b) Reasons given

The following main reasons of relevance for asylum purposes can be singled out: political activities, possession of unauthorised material, discrimination on account of ethnic origin, conversion (or proselytising), refusal to perform military service or desertion and criminal prosecution (for homosexuality or adultery).
Iranians commonly claim to belong to a political party operating with a cell-based structure. They often say they belong to a cell some members of which have been arrested and as a result they fear that they are themselves in danger. Because of the cell-based structure, they are unable to supply much information about the party or organisation.

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Stories of posting bills and taking part in demonstrations used to predominate. Now reference is also increasingly being made to possession of unauthorised material, such as banned videos. Daubing slogans on university buildings etc. is also mentioned. Armenian Christians cite having been fined for carrying alcoholic beverages (to a place where consumption of them is not prohibited).

There are few applications from Baha'is. Members of other religions claim that their situation is comparable to that of Baha'is. Discrimination is commonly given as a reason. Ethnic minorities such as Kurds or Armenian Christians state, for instance, that it is difficult if not impossible for them to study because they refused to take, or failed, the Muslim admission test required for acceptance at a university.

Conversion is now more frequently being given as a reason. It often takes place in the Netherlands. Conversion (or proselytising) in the Netherlands is also increasingly given as grounds for a *second* asylum application. Religious activism is usually reported to have begun back in Iran itself.

Another reason more frequently being given at present is the risk of criminal prosecution in Iran for (alleged) fraud, drug trafficking, common crime, adultery or facilitating adultery and homosexuality, in some cases with reference to possible double jeopardy.

(c)-(d) How the country was left and route taken

Iranians leave Iran on foot, on horseback or by lorry for Turkey, or by air via Dubai or Bulgaria.

The courier provides them with a passport, an airline ticket and accommodation in Turkey or Bulgaria. In many cases the second instalment of the fare is paid only upon safe arrival in the Netherlands. They usually have not looked inside the papers supplied by the courier and can describe only the colour.

At international airports, Iranian nationals have to hand in their passports two or three hours prior to departure, for checking. The police, the customs and the intelligence service carry out checks at the airport. Possession of a valid passport containing the necessary exit permit is not in itself any guarantee that a person can in fact leave the country. After the name and passport number have been checked, an exit stamp is entered in the passport. The airport authorities hold lists of people not allowed to leave the country.

In view of the checks carried out in departure procedures at all international airports in Iran, it is virtually impossible for people wanted by the Iranian authorities to leave the

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country by that route under their own identity on a lawfully obtained passport, with or without the use of bribery. Lawful departure by way of Iranian airports therefore casts a very significant doubt on the plausibility of the difficulties reported, with the result that an asylum application may be deemed manifestly unfounded. The same applies to departure on a false passport in a person's own name for which there is a passport number on record, since it is clear that the authorities have not seen in the identity of the asylum seeker any reason to prevent departure.

An Iranian is often not given any prior warning that an exit ban has been imposed. Such a ban is generally not learned of until the time of departure at the airport. Reports are frequently received of Iranians finding out at the airport that they are not allowed to leave the country.

(e) Documents

Membership cards for political parties are not often produced, although search warrants and reports of court cases are.

In proceedings conducted before the revolutionary courts, very little use is made of documents. Only witnesses and those standing bail are summoned in writing for proceedings before the revolutionary courts, the defendant being summoned by telephone. Only in proceedings before the public courts is the defendant summoned in writing. Where documents relating to legal proceedings have been produced in the Netherlands, they proved upon examination nearly always to concern civil suits or prosecution for ordinary criminal offences. In the experience of the Netherlands' embassy in Tehran, moreover, 80% to 90% of such documents scrutinised turn out to be false.

Under Article 5 of the Public and Revolutionary Courts Establishment Act of 25 July 1994, the revolutionary courts are responsible for prosecutions for a limited number of offences relating mainly to the Islamic Republic's state security (insulting the founder of the Islamic Republic and the religious leader, espionage, drug trafficking, conspiracy, terrorism etc.)

Driving licences or birth certificates for a person's children, showing that person to be their parent, are produced as evidence of identity. Qualifications and baptismal certificates are also produced. Evidence of identity is as a rule found to be genuine.

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**3. Assessment of asylum applications in accordance with the Geneva Convention**

3. (a) Assessment

Under the Immigration and Naturalisation Service's operating instructions, the following may be eligible for refugee status on account of persecution: those who have engaged in certain political activities, intellectuals, those who have engaged in proselytising and Baha'is (for the conditions under which they qualify, see below).

(1) General situation in Iran

According to the official report of 5 March 1998 from the Ministry of Foreign Affairs, the political climate in Iran is undergoing a change for the better. There is still, however, persecution within the meaning of the Refugee Convention and inhuman treatment.

The general situation in Iran is not such that it would be unreasonable to repatriate to Iran an Iranian national whose application for admission has been rejected.
Nor is the general situation in Iran such that invoking it alone is sufficient to qualify for refugee status.

It is noticeable that the number of reports of torture and maltreatment in detention made by Iranians coming to the Netherlands is declining and the scope for criticising some social ills and the role of the authorities in them (e.g. the situation in prisons) has increased of late. There also seems to be greater scope for criticism of some (interpretations of) principles of the Islamic revolution.

(2) Political beliefs/activities

Those who can plausibly show that they are regarded in Iran as a (potential) threat to a society based on Islamic values and standards are eligible for refugee status. The official report of 5 March 1998 from the Minister for Foreign Affairs states that there are no observable opposition activities by groups such as the Tudeh, Iran Paad, Fedayin and Darafash Kaviani. Nor are there any observable activities by the Komola. In view of this, an asylum seeker giving political activities for any of those parties as a reason will be expected to come up with a well substantiated, consistent, detailed story. According to the official report of 5 March 1998, mere possession or distribution of prohibited material, including satellite dishes, speeches on tape or videocassette, literature considered offensive to Islam or old pictures and recordings of the Shah, in practice incurs a fine at most. In such cases there is thus no question of persecution. The situation may be different only where MKO material is involved.

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Intellectuals, in particular writers, journalists and publishers, who can plausibly show that, because of their publications or statements, they have suffered or are in danger of suffering arrest or human rights violations are also eligible for refugee status. Such people cannot be expected to show this by means of a summons or notice to appear, since the "offences" in question come within the jurisdiction of the revolutionary courts, which do not issue any summonses etc. (see 1(e) above). They can, though, be asked to explain where, when and in what form the offending publication or statement was made.

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(3) Religious beliefs/activities

Persecution based on religious beliefs may, in general terms, make an asylum seeker eligible for refugee status. According to reports from the Netherlands Ministry of Foreign Affairs, the Iranian authorities take a moderately tolerant attitude towards religious minorities, apart from Baha'is, provided they refrain from religiousactivities outside their own premises.

The mere fact that an Iranian asylum seeker claims to belong to a particular faith is not in itself sufficient to qualify for refugee status. Generally speaking, asylum seekers citing their faith as grounds for persecution must, if they are to have a valid claim to refugee status, establish plausibly that in their individual case serious repressive, discriminatory treatment by the authorities has taken place or is to be feared, making life impossible for them in Iran. Such treatment may also have been inflicted by their fellow citizens. This includes reactions to a conversion.

Leading figures in the Anglican Church and the Assemblies of God who plausibly show that they have faced human rights violations are eligible for refugee status. Members of the Baha'i faith are regarded by the Iranian authorities as apostates. They are therefore not recognised. Practice of the Baha'i religion is not allowed. They are eligible for refugee status if they can plausibly show that they belong to the Baha'i faith and are the target of human rights violations.

(4) Membership of an ethnic group

The Iranian authorities allow a limited form of cultural identity. Kurds are, for instance, free to bring out publications in their own language.

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(5) Application of Sharia law

Adultery is illegal in Iran. The official report from the Minister for Foreign Affairs states that, for a married person, adultery carries the death penalty. The offence can be found proven in three ways: by confession repeated four times, by the testimony of four witnesses or on the basis of the judge's own discretion. In the case of a false accusation, the party laying false charges is punishable and may be sentenced to 80 lashes. The burden of proof required for a conviction is considerable. There is no active policy of prosecution. Adulterers will have to establish plausibly that criminal proceedings have been or are to be brought against them. Where this is the case, they may qualify for a residence permit on compelling humanitarian grounds.

Prosecution for homosexual acts may qualify for refugee status in the Netherlands on grounds of membership of a particular social group. Iranian homosexuals will not easily qualify as refugees, since there is not in practice any active policy of prosecution of homosexuals in Iran. In Tehran a number of well-known homosexual haunts enjoy some degree of tolerance. No recent prosecutions merely for homosexual conduct, including convictions based on the judge's own discretion, are known of. The UNHCR has also stated that it is not aware of the death penalty having been enforced for homosexual relationships. The mere fact that an Iranian asylum seeker is a homosexual is not therefore sufficient to qualify for refugee status. Iranian asylum seekers may thus be expected to establish plausibly, as far as possible from documentary evidence, that they face conviction in connection with homosexual acts. In that case they will be eligible for refugee status. In the event of problems caused by the actions or statements of third parties, Iranian homosexuals cannot be expected to look to the authorities for protection. If they can plausibly establish that life has been made impossible for them as a result, they may also be eligible for refugee status.

NB: Although there are no reports of people being convicted solely for homosexuality, there are known cases of convictions where the charges included homosexuality along with, say, drug trafficking and adultery.

(6) Converts in Iran and in the Netherlands

In response to a debate in the Lower House of the Netherlands Parliament, the State Secretary for Justice promised it a memorandum on the assessment of asylum applications from Iranian converts. That memorandum is currently being prepared. Decisions on Iranians who have plausibly shown themselves to have converted in the Netherlands or elsewhere have been suspended, pending that memorandum.

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(7) Refusal to perform military service or desertion

Draft evaders or deserters are eligible for refugee status in the Netherlands if they face discriminatory punishment on account of any one (or more) of the grounds for persecution in addition to or instead of normal punishment, or if their refusal is due to serious conscientious objections and there is no opportunity for them to perform any compulsory non-military service as an alternative to military service. There are no known reports of deserters in practice receiving prison sentences. The Iranian authorities have confirmed on various occasions that the amnesty announced in 1992, offering the possibility of buying out the remaining period to be served or period of desertion, is still applicable. Those who left the country in order to evade conscription are offered the possibility of exemption. Many have in fact taken up the option of buying out their military service. In the case of deserters as well, the period (still) to be served is in many cases bought out. There is no reason to believe that draft evaders and deserters, even from the Iran-Iraq war, in practice experience any difficulties with the Iranian authorities. Draft evaders or deserters from Iran are not therefore generally eligible for refugee status.

Up to 18 June 1997, draft evaders and deserters who were refused refugee status were not repatriated to Iran, partly owing to uncertainty regarding the implications of the revision of the Islamic Penal Code. The revised Islamic Penal Code has made only incitement to desertion, and not draft evasion or desertion, a punishable offence, however. Since 18 June 1997 it has thus been possible to expel draft evaders or deserters who are refused refugee status (see, however, the reply to question 8).

(8) MKO

Those who plausibly establish that they are suspected of links with the Mujahidin-e-Khalq (MKO) face heavy prison sentences. If material from that organisation is found, the Iranian authorities will generally assume a person to have links with the MKO. The MKO engages in armed resistance, including terrorist operations, from bases in Iraq. In Iran itself the MKO seems to find little sympathy among the population. If an Iranian claims persecution in Iran on account of (supposed) links with the MKO, he will therefore be expected to come up with a well substantiated, consistent, detailed asylum story. It should always be borne in mind that he may have been living in Iraq. In view of MKO involvement in terrorist operations and drugs offences, consideration is given to whether Article 1F of the Refugee Convention is applicable and whether action taken against a person may relate to an ordinary criminal offence.

The impression is in fact that most of those claiming MKO membership are in reality Iranians from Iraq.

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(9) Activities in exile (refugees in "sur place")

If an Iranian asylum seeker has engaged in political activities outside Iran which attract the Iranian authorities' disapproval, this may lead to the person's recognition and possible admission as a refugee ("sur place") where those activities represent an extension of behaviour which might have given rise to difficulties in Iran (the "principle of continuity").

(10) Sexual violence

Sexual violence may qualify the victim for refugee status if it stems from any of the grounds in the Refugee Convention. In cases of trauma or where the asylum seeker is likely, on returning to Iran, to face sexual violence constituting a breach of Article 3 of the European Convention on Human Rights, a residence permit may be issued on compelling humanitarian grounds.

3. (b) Internal flight alternative

There is not taken to be any alternative of resettling elsewhere within the country in Iranian cases.

**4. Asylum applications by relatives in other EU countries**

There are no known cases.

**5. Cases of asylum seekers who voluntarily refused protection offered by humanitarian organisations**

There are no known cases.

**6. Any application of the exclusion clause (Article 1F)**

In the event of (supposed) links with the MKO, special attention is paid to whether Article 1F of the Refugee Convention is applicable.

## 7. Scrutiny of asylum applications

A standard procedure for dealing with asylum applications has been devised and is applicable to all applicants, irrespective of nationality and reasons for seeking asylum. Asylum seekers are interviewed, using an interpreter. A report of the interview is then drawn up. Asylum seekers are given an opportunity, with the assistance of a (legal) adviser if they so wish, to react to the interview and correct any points.

The detailed interview covers the following standard aspects:

points to be checked or expanded upon from the initial (intake) interview;
personal particulars, nationality and population group (ethnic origin);
family members or relatives and any problems regarding family members or relatives;
place of residence and address in the country of origin;
education, military service and employment;
any previous asylum application or residence permit;
reason for seeking asylum and political background;
story in response to closer questioning;
arrest, detention and maltreatment;
account of the journey, passport and/or other papers;
reason for choosing the Netherlands;
concise reasons for leaving the country;
criminal record;
any further substantive points;
return and any likely problems;
any other information;
comments or criticisms regarding the interpreter's role;
complaints procedure regarding interpreters;
any further points made by the adviser;
notice of the supply/availability of a copy of the interview report;
forwarding of the interview report after assistance from the adviser.

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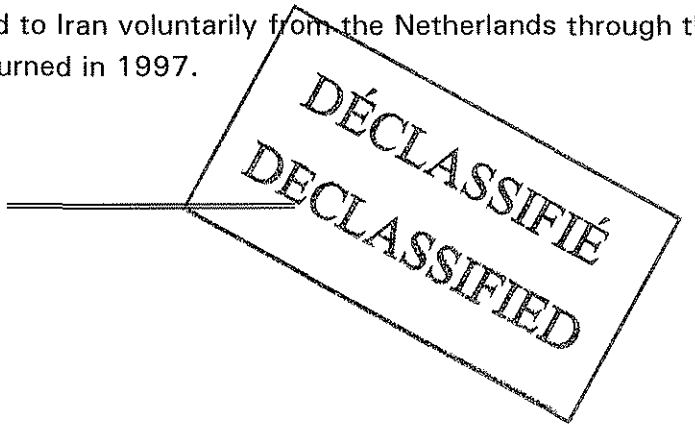
If there is any reason to believe that the person has passed through a State which is a party to the Dublin Convention or if he has stayed in a safe third country, the interview will focus on those aspects.

## 8. Expulsion and any alternative status for rejected asylum seekers

No actual enforced repatriation has been carried out since 30 October 1997, pending consultations with the Lower House of the Netherlands Parliament on monitoring and consultations with the Iranian authorities on cooperation regarding enforced repatriation.

In 1996, 122 Iranians returned to Iran voluntarily from the Netherlands through the agency of the IOM and 66 returned in 1997.



RESTREINT



ANNEX I

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**Number of asylum applications**

| | |
|---|---|
| 1993 | 2 610 |
| 1994 | 6 075 |
| 1995 | 2 698 |
| 1996 | 1 521 |
| 1997 | 1 253 |

**Number of decisions**

| Number of asylum decisions | Refugee status | Residence permit | Provisional residence permit | Rejected | Other action |
|---|---|---|---|---|---|
| 1993 | 475 | 425 | | 1 203 | 354 |
| 1994 | 280 | 1 322 | 2 | 3 044 | 389 |
| 1995 | 299 | 873 | 208 | 4 622 | 524 |
| 1996 | 751 | 723 | 12? | 7 600 | 1 110 |
| 1997 | 466 | 628 | 10? | 2 701 | 370 |

Totals for 1993 to 1997 respectively: 2 457, 5 037, 6 526, 10 196 and 4 175.

These processing figures are unrelated to the date of submission of asylum applications. The totals are figures for initial decisions and appeal rulings.

**Number of expulsions**

| Number of asylum seekers expelled | Enforced expulsion | Supervised departure | Check at address | Total |
|---|---|---|---|---|
| 1993 | 35 | 83 | 145 | 263 |
| 1994 | 43 | 105 | 302 | 450 |
| 1995 | 66 | 150 | 570 | 786 |
| 1996 | 142 | 201 | 768 | 1 111 |
| 1997 | 92 | 193 | 784 | 1 069 |

The expulsion figures are unrelated to the country to which people were sent back. In 1996 34 Iranians were repatriated to Iran and 16 in 1997.

RESTREINT

**AUSTRIA**

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| | number of asylum applicants | accepted | rejected | application withdrawn | number of applications processed total |
|---|---|---|---|---|---|
| 1993 | 250 | 128 | 1 183 | 11 | 1 322 |
| 1994 | 425 | 91 | 628 | 23 | 742 |
| 1995 | 485 | 112 | 515 | 11 | 638 |
| 1996 | 656 | 136 | 586 | 40 | 762 |
| 1997 | 502 | 97 | 696 | 55 | 848 |

For the number of Iranian applicants returned to their country of origin or deported to a third country, see reply to question 8.

Question 2:

- male: 64 %
- female: 37 %
- average age: 25 – 35
- marital status 43% single; 37% married
- left the country alone or accompanied by family: most left with their family
- relatives in the host country: no
- minors: approx. 13%
- unaccompanied minors: none
- religion: chiefly Shi'ite Muslim, but some Gregorian and Armenian Christians
- socio-professional origin: traders, office workers, lorry drivers, other manual and unskilled labourers (no typical profile)
- region of origin: mainly Teheran
- ethnic origin: chiefly Persian or Armenian

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(B)

Religious affiliation and related difficulties with the state authorities are increasingly being given as a reason for seeking asylum. Other reasons for fleeing the country include problems due to possession of unauthorised materials, membership of a party or political organisation and problems due to sexual orientation (e.g. position of homosexuals).

(C)

According to applicants' statements, arrangements for leaving Iran were made either by applicants themselves or by relatives, with payments for courier services ranging from $3 000 to 6 000 per person.

The funds were either provided by close relatives or obtained through the sale of property, cars or furniture.

(D)

The majority of applicants claim to have travelled to the vicinity of the Iranian/Turkish border by bus, car or taxi and then to have continued their journey into Turkey (mainly to Istanbul) illegally. The onward journey to Austria was often made by lorry.

Less frequently, the journey to Europe was made by air from Teheran to Vienna.

Only very few applicants claim to have stayed in a third country for any length of time.

(E)

Applicants sometimes submitted identity cards or driving licences, but also "church documents" such as certificates of baptism. These were usually genuine.

Documents produced as evidence of persecution are usually submitted with the application or at the first stage of the procedure. Much of this evidence turns out to be false or falsified when checked with the Austrian representation in Teheran.

(F)

Applications were made within the country, at the Federal Asylum Office.

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Question 3:

(A)

The general situation in Iran is not sufficient to warrant refugee status. Applicants claiming to belong to political organisations, especially royalist groups, often fail to provide sufficient details to establish the degree of plausibility demanded in each individual case. Domestic violence, membership of an ethnic group or problems connected with the possession of unauthorised materials are not usually in themselves sufficient reasons for granting asylum.

The same applies to applications based on membership of the Christian religious community. The problems which applicants adduce in connection with their religious affiliation relate to the situation of Christians generally and so are not very likely to meet the definition of a "refugee" in the Geneva Convention.

Enforcement of the Sharia, for example the rules applicable to women, is not in itself sufficient for granting refugee status either. However, in certain circumstances, especially where Muslim apostates are involved, refugee status may be granted.

Asylum may also be granted, in duly substantiated cases, where conversion to Christianity did not take place until after leaving Iran, especially where the conversion is the expression or consequence of convictions that were already held – or at least beginning to form – while in Iran, and where the conversion was not undertaken purely in order to be eligible for asylum.

The same applies to political activity in exile.

Arrests can be taken into consideration in deciding whether to grant asylum if they are made on the grounds listed in the Geneva Convention and if the nature/duration of the detention is such as to constitute persecution of the requisite degree of severity.

(B)

No.

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Question 4:

No.

(A)

Iranian Christians especially use Austria as a transit country on the way to the USA or Canada. This onward emigration is only possible where the asylum application is rejected.

Question 5:

No.

Question 6:

No.

Question 7:

Before every decision, the asylum seeker is given an interview, recorded in writing, in order to establish his or her identity and determine the route taken, together with any stop-offs in other States.

This is followed by an interview to establish the grounds on which asylum is sought, unless the application has been already rejected as inadmissible on the grounds of safety from persecution in a third state or because, under the terms of the Dublin Convention, responsibility for examining the application lies with another Member State.

Question 8:

Number of Iranian nationals expelled or escorted to the frontier in 1997: 35.

There are no statistics to show how many of these were rejected asylum seekers.

Where expulsion is allowed, Iranian nationals are flown to Teheran.

Difficulties do arise, in part in obtaining substitute travel documents and in part through attempts to thwart the expulsion procedure.

People can, where legally possible, be expelled to third countries if there are corresponding readmission agreements.

**PORTUGAL**

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## 1. Statistics

| Year | No of applications | Asylum granted | Residence permit | Refusals | Transfers (Sch/Dub) | Expulsions |
|---|---|---|---|---|---|---|
| 1993 | 0 | | | | | |
| 1994 | 0 | | | | | |
| 1995 | 0 | | | | | |
| 1996 | 9* | 0 | 0 | 7 | | |
| 1997 | 2 | 0 | 0 | 1 | 1 (Spain) | |
| Total | 11 | 0 | 0 | 8 | 1 | 0 |

* Whereabouts of all applicants unknown.

## 2. Details of applications from Iran

### A. Applicant profile

- Sex/age: 8 male and 2 female, aged between 18 and 40
- marital status: 8 single
  3 married (2 of them women)
- religion: Muslim (Sunni), Azeri and Christian
- socio-professional origin: middle – lower class background
- region of origin: mainly from Tehran
- ethnic group: Iranian, Armenian

### B. Reasons given

- support for opposition parties
- discrimination on grounds of membership of Armenian minority
- distribution of copies of Salman Rushdie's "Satanic Verses"

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**C. How did the applicant leave his/her country of origin**

Some applicants mentioned the involvement of a "person of Iranian nationality" from the time of departure from the country (Tehran). Others cited the intervention of an "agent" following departure from the country of origin, more specifically in Turkey.

Services provided include arranging transport and travel documents in exchange for payment of an amount of between 2 and US$10,000.

**D. Route taken when and after leaving the country of origin**

While some applicants mentioned having left the country by air, most report having left Iran on foot or by coach via the border with Turkey without having had to submit to any document checks.

Some took the overland route out of Turkey to western Europe, while others flew out using forged passports.

There was only report of a person having left Iran illegally by sea (from the port of Bandar Abbas).

**E. Documents produced in support of the application**

With one exception, all the applicants were without any travel or identity documents.

Nor were any documents produced as evidence in support of the asylum application.

Certificates of baptism (Armenian) were produced in one case only.

**F. Applications for asylum were made within the country**

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3. **Assessment of applications in accordance with ~~the Geneva Convention~~**

   (a) The small number of recorded cases and the applicants' own profile prevent us from providing detailed information on the questions raised.

   Taking into account the socio-political realities in Iran, although the facts of the case were in some cases seen as falling within the framework of the Geneva Convention – particularly in cases involving reports of detentions, beatings and torture on grounds of membership of opposition parties and persecution on grounds of behaviour regarded as immoral, all the applicants showed a complete lack of interest in the progress, in part uncertain, of the asylum procedures concerning them. Such conduct, which was evident even while procedures were under way, cast doubt on the existence of any actual need for international protection and was a decisive factor in the preliminary rejection of the applications.

   (b) The possibility of an internal flight alternative was not considered.

4. This situation did not occur.

5. Idem 4.

6. Exclusion clauses not applied.

7. Before the final decision, each applicant is systematically interviewed.

8. All 11 Iranian asylum applicants registered during the period under examination turned out to be completely uninterested in the progress of the asylum procedures concerning them and their present whereabouts are unknown. The question of their removal has, therefore, not yet been raised.

   It should be stated that where an asylum application is refused the law provides for immediate expulsion on expiry of the 10-day period for voluntary departure. In the case of rejected applications subject to an assessment as to their merits, the applicant may remain in Portugal for a transitional period of not more than 30 days, after which he/she will remain subject to the general arrangements governing aliens.

   However, a check of the statistics for the number of expulsions of aliens unlawfully present reveals that no Iranian citizens were expelled during the period under review.

**FINLAND**

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## 1. Statistical data

ASYLUM APPLICANTS

| | 1993 | 1994 | 1995 | 1996 | 1997 | Total |
|---|---|---|---|---|---|---|
| Gender | | | | | | |
| Male | 55 | 47 | 18 | 31 | 9 | 160 |
| Female | 33 | 19 | 9 | 16 | 6 | 83 |
| Total | 88 | 66 | 27 | 47 | 15 | 228 |

DECISIONS

| | 1993 | 1994 | 1995 | 1996 | 1997 | Total |
|---|---|---|---|---|---|---|
| conv. | 1 | 0 | 1 | 2 | 1 | 5 |
| res.p. A.9 | 10 | 8 | 3 | 8 | 12 | 41 |
| res.p.A.10 | 21 | 0 | 14 | 8 | 22 | 65 |
| res.p.A.x | 0 | 0 | 0 | 0 | 0 | 3 |
| rejected | 46 | 12 | 8 | 21 | 38 | 125 |
| annulment | 17 | 3 | 2 | 4 | 12 | 38 |
| Total | 95 | 23 | 28 | 46 | 85 | 277 |

Even if an asylum application is rejected by the Aliens Office, the applicant can nevertheless obtain a one-year residence permit on other grounds, extended for a second year by the local police. After a two-year period of residence, an asylum applicant may apply for a permanent residence permit in Finland. The most common types of residence permit are:

Residence permit A.9 = status given to persons in need for protection (Article 31 of the Aliens' Act)

Residence permit A.10 = status given on humanitarian grounds (Article 20 of the Aliens' Act)

Residence permit/A.x = status given on other grounds

Appeals against adverse application decisions may be lodged with the county administrative court.

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## 2. (a) Applicant profile

243 applications for asylum from Iranian nationals were received by Finland during the period 1993-1997, 160 from men and 83 from women. The age spread is particularly wide, although most applicants are aged between 25 and 35. Many came with their children but there were no instances of children arriving on their own.

The majority of applicants are Muslims with isolated cases of Christians, Bahais or representatives of other religions. On the basis of their socio-economic status, most regard themselves as coming from middle-class backgrounds and worked in a trade or profession calling for a certain level of education. The group includes several with university degrees. A clear minority regard themselves as belonging either to an upper or lower social class. In the main, the applicants are of Persian origin, with a few dozen ethnic Kurds and several Azeris, Baluchis, etc..

### (b) Reasons given

Only very few of the 243 Iranian asylum applicants arriving in Finland during the period 1993-1997 were members of a political organisation. Far more reported having handed out leaflets or taken part in a demonstration. Most, however, although in no way politically active themselves, felt that human rights did not exist in Iran. Applicants frequently plead the political activity of close relatives and the problems arising for them in the wake of such activity. A remarkably large number of applicants come to Finland to visit their relatives and some also state that their sole reason for doing so is to apply for asylum.

Only very few women actually gave the violation of women's rights in Iran (in general, because of the rules governing dress, etc.) as the reason for seeking asylum. When applying for asylum on other grounds, however, women often point to the regulations discriminating against women (e.g. when their husbands are the actual applicants). Applications for asylum on grounds of religious persecution (e.g. Christians, Bahais) are rare. Muslim converts are only few in number. Only few actually give desertion from the army or draft evasion as their reason for seeking asylum. On the other hand, persons seeking asylum because of their activities in political organisations occasionally report that they have not honoured their military service commitment. Applications on ethnic grounds alone are few and far between, as are applications on grounds of homosexuality, adultery, use of unauthorised stimulants or possession of unauthorised video tapes or similar materials.

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**(c) How did the applicant leave his country ~~of origin (specify place of origin)~~ and**

**(d) Route taken when and after leaving the country of origin**

Most applicants paid for and organised their journey themselves (or with the help of their families). In general, costs were confined to the purchase of a ticket. The applicants flew from Tehran airport to Finland, changing flights at, for example, Frankfurt, Amsterdam, London or Paris and arriving at destination within twenty four hours of departure. They carry Iranian passports, which they also produce when applying for asylum.

A considerably lower percentage of applicants reported having left Iran illegally and headed straight for Finland via Iraq or Turkey or the territories of the former Soviet Union, crossing the border by car, on foot, etc. with the help of a "facilitator" who usually attended to all the travel arrangements. The journey cost the applicants between US $2 000 and 6 000. The applicants claimed to have used forged travel documents, which were retained by the facilitator, and were often unable to produce documents of any kind on their arrival in Finland. They might spend several months in Turkey or another state en route.

**(e) Documents produced in support of application**

During examination of their asylum applications, applicants sometimes produce, for example, a tax withholding certificate, a summons to appear before a court or a letter of dismissal from a university. More usually, however, such documents are not enclosed with the asylum application until several months have elapsed since the applicant's arrival in the country (documents sent on from the country of origin with the assistance of relatives). In many instances, the documents submitted are copies.

From time to time the documents are forwarded to the Finnish Embassy in Tehran to establish whether the contents are genuine.

**(f) Were applications made on entry or within the country?**

The majority of applicants do not apply for asylum until they have been resident in Finland for several days. The reason mentioned is that they did not know how to apply or did not dare to apply for asylum straightaway or that they wanted to recover first from the trip at their relative's place. Applicants also often state that their original purpose was not to seek asylum in Finland but that, through their connections with relatives in Iran, it had become clear to them that they could not return to Iran. In general, they state that their own political activity, or that of one of their close relatives, had reached the ears of the authorities after their departure from Iran, as a result of which they themselves were placed at risk.

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There is generally not the slightest evidence to support the existence of the problems mentioned.

The applicant's account of events was often given little credence in the cases referred to above.

**3. (a) Assessment of applications in accordance with the Geneva Convention**

The mere fact that an asylum applicant is a national of a particular country or is a member of a particular ethnic, religious or social minority group or political party is in itself no reason for granting asylum. Every application is examined and a decision on it taken individually on the basis of the evidence produced.

An applicant's active involvement in a political party opposed to the Iranian Government is normally seen as militating against his/her safe return to Iran. The mere distribution of leaflets or participation in mass demonstrations is in itself not always an indication that it would be unsafe for the applicant to return to Iran.

Nor are the requirements for granting asylum met if an applicant's main difficulty lies in adjusting to his/her own society (e.g. ban on alcohol use or use of certain forms of video material, regulation dress code, etc.). Equally, family problems are no grounds, by themselves, for granting asylum.

If the requirements for granting asylum are not met but it is felt that the applicant cannot return safely to his/her country of origin, the Aliens' Act makes it possible for asylum to be granted on the grounds of need for protection. Applicants may also be issued with a residence permit on pressing humanitarian grounds.

**3. (b) Is there an internal flight alternative? If so, please specify which areas**

An internal flight alternative is thought not to be possible in Iran.

**4. Cases of asylum-seekers whose relatives have requested asylum in other countries of the Union and**

**(a) Do asylum applicants use a Member State as a country of transit for travelling further ("resettlement") to the USA?**

We know of no such cases.

**5. Cases of asylum-seekers who voluntarily refused protection offered by humanitarian organisations which operate (in loco) (hosts in accommodation camps, protected camps). If positive, how do they explain (justify) that?**

There has been no incidence of such cases.

**6. Eventual applications of exclusion clauses (Article 1F of the Geneva Convention). Please give details.**

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Idem 5.

**7. Basic procedures for scrutinising applications**

The asylum-seeker is interviewed and a decision taken on the basis of a specific assessment in each case.

**8. Treatment of asylum applicants whose applications are refused:**

– **repatriation to Iran**

Expulsion or repatriation decisions are taken by the Aliens Office and implemented by the police. Returnees are transported back to Iran. There is no systematic follow-up procedure for expelled or repatriated persons.

– **expulsion to third country: if so, please specify which.**

There has been no incidence of such cases.

RESTREINT

## SWEDEN

### 1. Statistics

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Asylum applicants

| | |
|---|---|
| 1993 | 339 |
| 1994 | 382 |
| 1995 | 451 |
| 1996 | 401 |
| 1997 | 356 |

Refused

| | |
|---|---|
| 1993 | 315 |
| 1994 | 257 |
| 1995 | 304 |
| 1996 | 338 |
| 1997 | 247 |

Granted refugee status

| | |
|---|---|
| 1993 | 118 |
| 1994 | 130 |
| 1995 | 88 |
| 1996 | 10 |
| 1997 | 38 |

Permitted to remain on humanitarian or other grounds

| | |
|---|---|
| 1993 | 355 |
| 1994 | 247 |
| 1995 | 107 |
| 1996 | 65 |
| 1997 | 112 |

Refused and returned to Iran

| | |
|---|---|
| 1993 | no information available |
| 1994 | " " " |
| 1995 | " " " |
| 1996 | 212 |
| 1997 | 153 |

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Refused and returned to a third country

| | |
|---|---|
| 1993 | no information available |
| 1994 | " " " |
| 1995 | " " " |
| 1996 | 32 |
| 1997 | 9 |

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**2.**

(a) Applicant profile

The majority of applicants from Iran are aged between 20 and 40 and usually married. They travel to Sweden alone, unaccompanied by the rest of the family. Slightly more than half of them are men. Both women and men are relatively well-educated. Most hold a higher school certificate and some are university-educated. They belong to the Iranian middle class and many are business men, civil servants or teachers. Most come from Tehran or other large cities. Practically all of them have close relatives – parents, siblings or children – permanently settled in Sweden. The applicants are almost exclusively Muslim and predominantly Persian. There are cases of unaccompanied minors but they are not particularly common.

(b) Reasons given

Fewer and fewer Iranian asylum applicants refer to membership of a political party or organisation or other type of political activity.

Trade union activity is rarely cited by Iranian applicants.

Where political activity in exile is mentioned, it is usually in connection with an appeal or a "new" application.

Women very often cite marriage and divorce problems. Sometimes they say that they have left Iran with minor children without the father's approval.

We also have people who say that they are at risk of punishment for possession of banned literature, satellite receivers, video films and sometimes also alcohol.

Many Iranian asylum applicants now give a variety of sexual reasons such as homosexuality, bisexuality, prostitution, transsexuality and adultery as grounds for their application.

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Conversion to Christianity during their stay in Sweden was often cited a few years ago but is now invoked much less frequently.

The lack of legal rights for women and discrimination under the law are frequently given as reasons by Iranian women.

Belonging to an ethnic minority, especially the Kurds, is sometimes mentioned.

Refusal to perform military service/desertion is very rarely invoked.

Threats from non-State entities are sometimes mentioned in combination with other circumstances related, for example, to being a woman.

(c) Departure from Iran

Nowadays most Iranian asylum applicants have left Iran legally with a visa for Sweden.

(d) Route taken

Applicants usually leave legally from Tehran's Merhabad Airport, travelling by Iran Air to Stockholm. On entry to Sweden they produce a passport and visa at passport control. Some asylum applicants claim to have left Iran via Tehran airport despite being wanted by the Iranian authorities. They state that they offered bribes in order to obtain a passport and exit visa and pass through the controls. Such statements are regarded as having little credibility.

(e) Documents

Applicants usually produce an Iranian passport and also hold an Iranian identity document.

It is rare for asylum applicants to produce documents from the Iranian authorities in support of their claim to be wanted by the authorities, convicted of political activity etc. at the time when they apply for asylum. Such documents are produced only after the applicant has been in Sweden for some time, often during the appeal proceedings. Checks via the Swedish Embassy in Tehran show that in virtually all cases the documents are false.

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(f) Place where application is made

In most cases the application is made within the country after the visa granted to the applicant for his/her visit to Sweden has expired.

**3.**

(a)

The general situation in Iran is not regarded as providing grounds for asylum.

Militant activity on behalf of opposition groups, distribution of leaflets, participation in anti-government demonstrations or other political activity could provide grounds for asylum and could result in a person being granted refugee status under the Geneva Convention, always provided that the reasons given are considered credible.

Domestic violence is not regarded as providing grounds for asylum.

Membership of an ethnic group does not in itself constitute grounds for asylum. However, the individual may have experienced harassment of a kind which may make refugee status appropriate.

We do not regard punishment for possession of satellite receivers, video tapes, alcohol etc. as being so severe as to provide grounds for asylum.

Religious persecution. Bahai who prove that they are members of the Bahai community are granted refugee status.

Immoral behaviour in general is not regarded as constituting grounds for asylum.

Iranians who have converted to Christianity are not normally regarded as refugees, irrespective of whether conversion took place in Iran or after arrival in Sweden. This has to be seen against the background, inter alia, of the report that there is a Christian community in Tehran the great majority of whose members were converted in Iran. However, there is always a possibility that a person who converted in Iran has been subjected to such persecution that refugee status may be appropriate. A convert who makes a credible claim that he/she was active in Iran in persuading Muslims to convert to the Christian faith might be granted refugee status.

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Homosexual offences and adultery do not constitute grounds for refugee status under the Geneva Convention. Where credible statements are made and the applicant is deemed to be at risk of punishment on return, he/she may be permitted to remain as a person in need of protection. Appraisal of the applicant's statements will take into account the Iranian authorities' interest in prosecuting the types of offence in question, the proof required in court for punishment to be inflicted and whether the applicant has been able to produce any form of written evidence to prove that legal proceedings have been initiated in Iran.

The position of women in Iran has not been regarded as grounds for asylum. There may however be cases where permission to stay on humanitarian grounds is considered.

Nor has a western lifestyle entitled an applicant to asylum.

Collective persecution/discrimination does not constitute grounds for asylum. Persecution/discrimination is assessed on a case-by-case basis according to the experience of each individual.

Militant activity on behalf of Kurdish/opposition groups against the regime might, if the activity is regarded as credible, constitute grounds for asylum.

Many Iranians claim to be engaged in activity "sur place" (in Sweden). Such activity may constitute grounds for asylum. The assessment will consider which organisation the individual is working for, the type of activity, whether it is within the leadership or at a lower level and also whether the activity is likely to have come to the notice of the Iranian authorities.

We do not consider that the mere fact of having applied for asylum in Sweden constitutes grounds for asylum.

Punishment for desertion or refusal to report for military service is not in our judgment so severe as to constitute grounds for asylum.

Departure in order to avoid a prison sentence is not a ground for asylum.

Being a victim of sexual violence does not in itself constitute grounds for asylum. The circumstances in an individual case may however be such that the applicant is granted permission to remain on humanitarian grounds.

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An individual who risks torture upon return to Iran may be accepted as a refugee or as a person in need of protection, depending on the circumstances in the individual case.

Internal exile may be grounds for asylum, depending on the reason for the exile and on how close in time it was to the asylum application.

(b) Internal flight alternative

We do not apply any internal flight alternative to Iranian asylum cases.

**4.**

(a) We have not observed that Sweden is being used to any great extent as a country of transit for further travel to other countries. Where it occurs, the applicants wish to travel to the USA or Canada.

**5.**

**6. Exclusion clause**

The question of exclusion from refugee status has not arisen.

**7. Asylum procedure**

An official from the central aliens authority always interviews applicants.

**8. Treatment of asylum applicants whose applications are refused**

The Swedish authorities actively enforce final decisions rejecting an asylum application.

The preferred method of expulsion is by Iran Air from Stockholm to Tehran. No special problems are experienced. The Iranian authorities will admit individuals with a passport, identity document, birth certificate or other documents issued by the Iranian authorities. Individuals without any papers at all have also been successfully expelled.

Iranians almost always enter Sweden directly from Iran, so that the possibility of expulsion to a third country seldom arises. Expulsion is to a western democracy.

A few Iranians enter Sweden after a longer or shorter stay in Turkey, a country which is not regarded as a safe first country of asylum for Iranian nationals.

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to be Muslim with varying degrees of adherence to the faith. Beyond the Islamic schools, Article 64 in the Iranian Constitution provides for Majlis representation [and correspondingly, permission to maintain schools] by the Zoroastrians, Jews and Christians. Of the claims we do receive with religion as the basis, most of the applicants are Christian and mainly cases involving conversion from another religious persuasion. Applications are received from Bahai's intermittently, but are few in number.

* SOCIO-PROFESSIONAL ORIGIN - The majority of applicants, both male and female, tend to be well-educated and are often university graduates. The fact that 80-90% of applicants are estimated to travel to the United Kingdom by air ties in with the fact that applicants tend to be from the wealthy, educated and professional classes. The professions vary but include teachers, journalists and writers. [Of the applications from Kurdistan mentioned below, a growing number are from writers who have been promoting Kurdish causes.]

* REGION OF ORIGIN - Many applicants are from Tehran or the surrounding areas, resulting in over 80% of applicants estimated to travel by air via Tehran. Other applicants tend to travel overland, from the provinces and Kurdistan.

* ETHNIC ORIGIN - Almost all our applications come from Shi'ia Muslim Persians. Azerbaighanis, Turcomans and Baluchis rarely claim asylum. There are few applications from Arabs and Kurds. Armenians who have applied for recognition have relied upon religious basis of claim rather than ethnicity, with the bulk of the Armenian population being Christian.

**Q.2.[b] REASONS GIVEN FOR CLAIM [and answers to corresponding sections within Q.3.[a] are also provided here under the parallel headings,re. HOW WE ASSESS APPLICATIONS FROM ASYLUM APPLICANTS]**

* MEMBERSHIP OF A PARTY/POLITICAL ORGANIZATION/TRADE UNION

Claims under this heading are invariably based on activities connected with illegal political organizations. Beyond the disbanding of the Islamic Republican Party [IRP] in 1987, when its role as a ruling party in what was effectively a one-party state had achieved its purpose, only the NEHZAT- AZADI [Liberation Movement of Iran, a group emphasising basic human rights as defined by Islam] has enjoyed official recognition and has been allowed to participate in elections.Most asylum applications involving the Nehzat-Azadi prove groundless.

Applications typically refer to the Mojahedin-e-Khalq/"People's Mojahedin of Iran" [MEK/PMOI], the Kurdistan Democratic Party [KDPI], Fedayin-e-Khalq, and Monarchist groups [including Iran-Paad, a U.K.based organisation]. Typical activities claimed include writing slogans on walls, circulating leaflets and propaganda, and attending meetings in private houses. It is rare to encounter an applicant who has been involved with anything more extreme than these activities.

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Of the monarchist claims, they will not usually specify which monarchist group they belong to, but will often be able to produce documentation indicating membership of Iran-Paad once they have entered the U.K. We do not believe that Iran-Paad is a genuine monarchist party, but that it has been set up to document asylum applicants.

We receive claims based upon membership of student groups affiliated to a political faction, usually as an introduction to further details of political activities.

Trade Union membership is a rarity within applications, although on isolated occasions a passing reference may be made to Trade Unionism, eg. in claims regarding the Tudeh. No examples seen over recent months.

Applications are considered in the light of the credibility of the applicant's account of how they have personally been persecuted.

* POLITICAL ACTIVITIES

[See above, also.] Activities claimed are typically distributing leaflets [especially in the universities], putting up posters, writing slogans on walls and attending meetings. The latter are often said to be held in houses. Occasionally a claim mentions attendance at a demonstration. Claims may also be that the applicant has been associated with an activity by virtue of his presence in a certain location, or by having been suspected/ perceived by college officials/the authorities of connection with an activity.

Documentation such as arrest warrants and court papers are often forwarded, but when considered are not necessarily verified as likely to be genuine. The burden of proof remains with the applicant. The overall credibility of the application is taken into account.

* POLITICAL ACTIVITIES IN EXILE

Activities outside Iran are most likely to be mentioned by applicants who base their claims on membership of the MEK/PMOI. These are likely to be from people who claim heavy involvement with the MEK/PMOI and would be most likely to occur in Iraq.
Of activities in the UK, applicants who claim to be members of Iran Paad [monarchist group] often submit accounts of their involvement with Iran Paad and photographs of themselves allegedly participating in demonstrations in London.

If political activities are continued after leaving Iran, this often adds to the credibility of the claim to hold genuine political belief [with the exception of Iran Paad].

Dangers of persecution due to the fact that an asylum application has been made is sometimes claimed. No breakdown is available of actual incidence of this and we hold the line that we maintain confidential files and do not inform the Iranian authorities of details of any applicants.

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* DOMESTIC VIOLENCE

A small number of Iranian women who originally came to the UK with their spouses [who typically came here to study] have claimed asylum in their own right on the basis of domestic violence. The abuse is not always sexual in nature. It may arise as they have become more westernised. For example, cases where the women no longer cover their hair in public but whose husbands wish them to adhere to the Islamic way of life in the UK. The alleged violence is not always the sole basis of claim.

Where torture is alleged we investigate in the usual manner, considering medical assessments and the opinion of the Medical Foundation where available. The credibility of the account of the incidents and the overall account of the applicant are assessed.

* WOMEN LEAVING IRAN WITH MINORS WITHOUT PERMISSION FROM THEIR HUSBANDS

No breakdown is available on this. However, we are aware that it is extremely difficult for Iranians to bribe their way out of the country through the standard exit procedures where they are not in possession of an exit permit. There is limited opportunity for bribery of officials at the point of departure ,particularly Tehran airport, if you are not in possession of a passport and visa.

Where women do apply for asylum on the grounds of retaining custody of children, it may be difficult to identify a Convention ground. Where no inhumane treatment is identified a full refusal may be appropriate.

* PROBLEMS CONNECTED WITH THE POSSESSION OF UNAUTHORISED MATERIALS

These factors are often mentioned. We are not persuaded that such individuals invoke Convention issues through their arguments. For example, we would not regard satellite TV viewers as a social group. Some try to argue that they are holding westernised opinion and therefore a perceived political opinion unacceptable to the authorities, but we regard such links as tenuous. We usually refute assertions under this heading on the basis that they amount to prosecution and not persecution as defined by the Convention.

* RELIGIOUS AFFILIATION

[Please see above, Q2[a]- Religion.]
Most applicants are Muslim. The constitution recognises three religious minorities: Zoroastrians, Christians and Jews.
Claims based on religious persecution are typically received from Bahai's and Christians [normally from those Muslims who wish to follow Christianity or who have converted].In terms of numbers, the claims based on religious affiliation are small in comparison with those based on political affiliation.

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Religion is not always the sole basis of the claim. Applicants who claim a fear of persecution because of their religion have their claim assessed in the light of the persecution to which they have been subjected. If the applicant claims to have undertaken religious conversion, the credibility of the reasons for their conversion needs to be examined.

* IMMORAL BEHAVIOUR/APPLICATION OF SHARIA

GENERAL:

Asylum claims are observed to mention the Sharia law and its ramifications even when the basis of claim is relatively simple. Applications are judged in terms of their overall credibility but if necessary we will look to the remit of the Iranian courts [penal, criminal, revolutionary] and the part played by them. We need to establish whether any Convention issues are raised.

SEXUALITY/ADULTERY:

We are aware that under the Islamic Penal Code adopted by the Majlis in November 1995, those found guilty of adultery, witnessed by at least three others, are subject to execution by stoning. Of the number of applications received within the UK citing sexuality/ adultery as a basis of claim, a few are from women but the majority are received from men. They invariably claim to fear execution. However, a lack of credibility is common, with accounts varying from the vague to the embellished, and often with indications of other root reasons for not wishing to return to Iran, eg. economic factors.

Adulterers are not recognised as a social group. They do not qualify for asylum on this basis, but may be considered for exceptional leave to remain on a humanitarian basis depending on the circumstances of the case.

A large proportion of all applications citing alleged sexual abuse claim that this was at the hands of Iranian officials whilst in detention. Both men and women have claimed sexual abuse whilst being tortured during detention.

Each case is considered on its own merit. Exceptional leave to remain is considered if the claim is credible but does not meet the requirements of the Convention for recognition of refugee status.

REJECTION OF THE MUSLIM FAITH AND/OR CONVERSION

[Please see Religious Affiliation, above.]
A number of Christian conversion claims are received, but cases involving apostasy to other religions remains rare. We do encounter claims that religious minorities are persecuted simply because they are not Muslim , but the claims alleging oppression of evangelical Christians, for example, do not seem to have increased since 1996.

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POSITION OF WOMEN

Women in the Islamic Republic are recognised as being at a significant disadvantage, even though the Iranian constitution provides for the equality of men and women in conformity with Islamic criteria. Women continue to be seen primarily in a familial context and assigned the role of motherhood. We receive claims of employment related inequalities, discrimination in the legal code [particularly in family,marriage and property matters], ill treatment from husbands and public punishments for contravention of the dress codes.

With regard to custodianship of children, a small number of women make application on the grounds that if they return to Iran their estranged male partners will take custody of the children. [The numbers may remain limited due to the Iranian exit procedures.]

Two precedent cases under UK law were detailed in the UK national press in October 1997 and confirmed that women do not constitute a social group under Article 1A of the Convention. The cases [Shah & Islam] involved Pakistan nationals who alleged fear of mistreatment under Islamic [Sharia] law in their country of origin. Neither do we regard Iranian women applying under this heading as having established a Convention reason for the claimed persecution.

Claims are considered in the light of any medical evidence, and the credibility of the account of any incidents of abuse. Whilst applicants are unlikely to qualify for asylum, they may be considered for leave to remain on humanitarian grounds on an exceptional basis.

POSITION OF HOMOSEXUALS

The tendency in 1997 for an escalation in the numbers of these applications slowed down last year. Applicants often produce foreign publications from the USA and elsewhere to remind us that the theoretical punishment for homosexuality in Iran is execution. Each case is considered on its own merits and takes into account the overall credibility of the account. They are not recognised as a social group for the purpose of the Convention, but if asylum is refused the humanitarian aspects of individual cases are duly considered.

* SITUATION OF ETHNIC MINORITIES

Economic issues and poverty continue to be quoted as a form of persecution of the ethnic minorities.

We accept that those who have assisted within organisations such as KDPI or Komala could suffer persecution in pursuing their political opinion but do not accept that Kurds are persecuted simply by virtue of being Kurds.

There are very few applications on this basis involving Arabs, each being considered on its own merits. In general though, we do not consider them to be persecuted.

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* ETHNIC CONFLICTS, INCL. STATELESSNESS

Applications from Kurds repeatedly claim that there is widespread persecution. To a lesser extent, so do the applications from Arabs. However, the situations they describe are invariably those which highlight an absence of advantages in society. These may at their worst amount to harassment. We are aware that the Islamic regime deals harshly with rebellious Kurdish leaders seeking autonomy and militant supporters, but ethnic Kurds continue to be represented in the economic sector as well as within the Iranian military and civilian establishments. Again, each case must be regarded on its own merits.

There have been few asylum applications received which claim persecution on the ground of belonging to any of the small minorities.

Statelessness does not usually feature in our applications.

* REFUSAL TO PERFORM MILITARY SERVICE/DESERTION

Desertion is a fairly rare occurrence in our applications. Failure to report is more common, but it is still unusual to see a claim based wholly on refusal to do military service [such claims are rather made as a secondary issue of the application]. A sizeable proportion of applicants have already done their military service before claiming asylum. No instances involving genuine conscientious objectors have been seen for over a year. Applications from conscientious objectors would fall for refusal under the Convention if the application is not deemed genuine though.

* THREATENED BY NON-STATE ENTITIES

No instances noted. No ethnically composed militia encountered.

* PRISONERS [& TORTURE]

Many applicants claim to have been detained, for varying periods of time. This ranges from a few hours for breaching the Hijab [dress code] to questioning and torture for a number of years on suspicion of political opposition.

The details of imprisonment are normally gone into at the asylum interview to assess the credibility of the claim. If injuries were inflicted, the applicant would normally be expected to submit a medical report.

Even if an applicant is thought to have been previously detained, it does not automatically follow that they will continue to be of interest to the authorities. Imprisonment does not necessarily prove a well-founded fear of persecution, especially if there was a substantial gap between release from detention and their departure from the country.

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* OTHER REASONS, eg. HUMAN RIGHTS VIOLATIONS

We do accept that there are human rights violations in Iran and that the authorities experience difficulties in coping adequately with this.

Each claim is looked at on its individual merits and when an applicant demonstrates a reasonable likelihood of a well-founded fear of persecution we would grant asylum.

**Q.2.[c] HOW DID THE APPLICANT LEAVE HIS COUNTRY OF ORIGIN**

* WHO MADE THE ARRANGEMENTS FOR DEPARTURE

Agents are usually given the credit by applicants for having made the travel arrangements, whether by air or overland. This may be a means of avoiding in-depth questioning on the issue of how they avoided the adverse attention of the Iranian authorities in being able to leave the country.

* WHAT SERVICES WERE PROVIDED BY A FACILITATOR?

Applicants claim that agents provide a wide range of facilities,including bogus documentation, bribing the officials at the exit port and/or the passport office, and processing payment of the fare.

* HOW MUCH WAS PAID AND WHO PROVIDED THE FUNDS?

Forged passports appear to be obtainable in Iran for £200+ and we are still told by claimants that even small bribes can achieve results with corrupt officials. However, applicants frequently claim to have spent between £500 and £6000 with the agents. Claims are that a number of officials need to be bribed in order to facilitate the departure of one applicant.

**Q.2.[d] ROUTE TAKEN WHEN AND AFTER LEAVING THE COUNTRY OF ORIGIN**

* MEANS,ROUTES & BORDER CROSSINGS WHEN LEAVING IRAN:

Routes vary. Most flights seem to be direct, from Tehran. Where border crossings have been used, Iranians do pass through most European countries. Turkey is probably the most commonly used border crossing country, followed in popularity by Pakistan. There has been a slight increase in overland crossings since 1997, but although the numbers are few in comparison with the air passengers, more of these applicants seem to be the genuine refugees.

* MEANS,ROUTES & BORDER CROSSINGS AFTER HAVING LEFT IRAN:

Various European countries are used, but most commonly France.

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* DOCUMENTS PRODUCED AT BORDER CONTROLS:

Usually, genuine passports are produced. Of the Iranians without any travel documents at all, they tend to claim that they held forged documents but that these were taken from them by their agents once they were airborne. These accounts are treated with caution, not least because airline and immigration officials have found mutilated passports in the aircraft toilets. They are likely to have travelled on genuine documents and then destroyed them, adding the story of an agents involvement.

A large proportion of documents are suspected to have been destroyed before getting to border control.As we understand that it is difficult in Iran, as elsewhere, to board an aircraft without a travel document, the 90% arrivals who come to the United Kingdom by air will be likely to have boarded with a [genuine] document.

A few forged documents are seen.They tend to rely on a photograph substituted within passports pertaining to other Iranians, or Turks or Cypriots, i.e. often genuine documents issued in another identity.

* SHORTER OR LONGER STAY IN OTHER COUNTRIES:

This varies. If the applicant has travelled overland it is not unusual to hear that he has spent a few months in other countries such as Turkey or France on the way, often working and acquiring funds for the last leg of the journey.

**Q.2.[e] DOCUMENTS PRODUCED IN SUPPORT OF THE APPLICATION**

* TYPE OF DOCUMENTS PRODUCED:
Travel documents produced are noted above. Of the other documents provided, occasionally property documents such as deeds are submitted [usually in photocopy form] but the bulk of additional documents are those in support of the persecution claim

* DOCUMENTS IN SUPPORT OF THE PERSECUTION CLAIM:

Normally these are summonses issued in the applicants name, arrest warrants, letters from relatives/friends posted from Iran to warn of the dangers of returning and general explanation of the situation back in Iran.

* AUTHENTICITY OF THE DOCUMENTS AND HOW DETERMINED:

We initiate checks on the authenticity of the documents with the assistance of other branches of Government within the UK. Liaison with British diplomatic posts abroad may also be an avenue for enquiries, in order to verify the documents.Accepted genuine examples can then be compared with the ones offered by applicants.The majority are found to be forgeries. Of those which cannot be categorically found to be bogus, their authenticity is often doubted when viewed in the context of the credibility of the claim, and it may be that the forgeries are becoming more difficult to detect.

* AT WHAT STAGE ARE DOCUMENTS PRODUCED AS EVIDENCE:

Understandably, few applicants arrive in the country with a summons or arrest warrant. Most applicants claim that they have been sent the documents once they have arrived in the United Kingdom. It is not uncommon for applicants to produce arrest warrants after they have been formally refused and their applications are at the appeal stage.

**Q.2.[f] WERE APPLICATIONS MADE ON ENTRY OR WITHIN THE COUNTRY?:**

The majority of applications are made on entry to the UK : 390 applications at port in 1997 compared with 195 made in country. The figures used to be proportionately higher for in country applications, but since revised social security provisions came into effect in February 1996 the numbers of these applicants have reduced. [The social security changes meant that a range of non-contributory social security payments to those who applied for asylum in the UK after being admitted on another basis were withdrawn.]

**Q.3. ASSESSMENT OF APPLICATIONS IN ACCORDANCE WITH THE GENEVA CONVENTION**

**[Where answers to Q.2.[b] relate to subjects raised here, they are already addressed at 2.[b] above.]**

* THE GENERAL SITUATION IN THE COUNTRY:

The Convention requires the applicant to have a well- founded fear of return on the grounds of race, religion, political opinion, social group or nationality. Within the United Kingdom we consider the circumstances at the time of application, at the time of decision and when a case is considered at appeal.

Each case is considered on its own merits and it is possible for the general situation in relation to an individual applicant to bring him within the terms of the Convention and so make the grant of asylum appropriate. For example, a Bahai faces a situation in Iran very differently to an Iranian who has fled solely due to the strict Islamic code and not for a Convention reason as such.

There is also the potential for an application which does not come under the Convention terms to be considered for the grant of exceptional leave to remain, on a humanitarian basis. For example, where an applicant does not come under the Convention but gives a credible account of brutal/unjustifiable treatment by the authorities which may continue should they return to Iran.

However, in general we do not believe that the situation is such that all Iranian nationals in the UK are refugees.

* COLLECTIVE PERSECUTION/DISCRIMINATION:

At the present time, domestic law in the UK does not provide for recognition of collective persecution of social groups such as women, homosexuals, adulterers, etc. The definition of social group in such respects has been pursued in the UK re. applicants from countries other than Iran but the issue and legal standpoint is equally applicable.[ See Q.2.[b] re "Position of women" with SHAH & ISLAM]

The position re. homosexuals is that the United Kingdom does not see the Convention to take a definitive line here with the element of social group and we follow domestic law. No changes have taken place in the UK legal standpoint on this since Iran was last discussed at CIREA in 1997. Sexuality may be an unchangeable part of ones identity, but the application of this in sexual acts is not, and while laws exist to proscribe homosexuality in Iran the situation seems to be one of prosecution rather than persecution. Applications received in the UK may merit consideration for leave to remain on an exceptional basis if a credible account is provided.

With the issues inherent in illicit sexual relations, we again would need to see that a Convention issue was addressed for asylum to be granted.However, the Iranian Penal Code is borne in mind and exceptional leave considered if a real fear is identified. For example, in early 1998 we granted exceptional leave to a man claiming on the basis of his known adultery with a single Iranian woman.

**Q.3.[b] IS THERE AN INTERNAL FLIGHT ALTERNATIVE?**

No internal flight alternative argument is deemed applicable to Iranian cases.

**Q.4. CASES OF ASYLUM SEEKERS WHOSE RELATIVES HAVE REQUESTED ASYLUM IN OTHER COUNTRIES OF THE UNION**

We do come across cases where relatives have gone to another EU country and applicants may indicate a preference to live in the same country as close relatives, but no statistics are available.

Neither are statistics available on applicants who use the UK as a stepping stone for transit to the USA.

**Q.5. CASES OF ASYLUM SEEKERS WHO VOLUNTARILY REFUSED PROTECTION OFFERED BY HUMANITARIAN ORGANISATIONS WHICH OPERATE [IN LOCO], etc**

This occurs with some applicants travelling via Turkey. They may apply there to the UNHCR and then the UNHCR support a resettlement application to the UK [ approximately 12 cases of this sort occur each year]. The applicants state that they will be returned to Iran from Turkey even if recognised as mandate

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refugees and despite UNHCR backing. We accept that the Turkish authorities do return Iranians to Iran.

**Q.6. EVENTUAL APPLICATION OF EXCLUSION CLAUSES**

Iranians treated the same as other nationals. No details are available on Iranian applicants who may come within this category, but the United Kingdom would consider applying these clauses if appropriate.

**Q.7. BASIC PROCEDURES FOR SCRUTINIZING APPLICATIONS**

All adult applicants are interviewed prior to a decision being taken on their application,unless the statement and documents submitted are alone able to demonstrate a well-founded fear of persecution within the terms of the Convention. In such cases the applicant would be recognised as a refugee without being interviewed.

Only minors [unaccompanied] are usually given a questionnaire rather than being interviewed.

**Q.8. TREATMENT OF ASYLUM SEEKERS WHOSE APPLICATIONS ARE REFUSED**

Where removal is to Iran, a direct flight is used when possible.

Removals and voluntary departures in 1997, excluding dependants, totalled 45 [40 port removals, 5 in country removals].

Enforced removals are subject to the same potential problems as some other nationalities. For example, a lack of documentation may often require the applicant to approach the Iranian Embassy in London for the issue of a travel document.

Iranians are returned to safe third countries in the same way as other nationals, where an asylum application may be pursued.

We are aware that Turkey is not a safe country for the return of Iranians.

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TABLE 1

**Applications[1] received for asylum in the United Kingdom from nationals of Iran, excluding dependants, initial decisions[2][3], and removals/voluntary departures, for the period 1993 to 1997**

| | 1993 | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|---|
| **Asylum applications[2]** | 365 | 520 | 615 | 585 | 585 |
| **Decisions[3]** | 280 | 275 | 380 | 475 | 350 |
| - Recognised as a refugee and granted asylum | 100 | 100 | 165 | 195 | 155 |
| - Not recognised as a refugee but granted exceptional leave to remain[4] | 130 | 25 | 25 | 40 | 25 |
| **Total refused** | 50 | 150 | 190 | 240 | 170 |
| - Refused asylum and ELR after full consideration | 35 | 120 | 145 | 190 | 110 |
| - Refused on non-compliance grounds[5] | 10 | 15 | 10 | * | 10 |
| - Refused on safe third country grounds[6] | 5 | 15 | 35 | 45 | 50 |
| **Removals[7]** | 10 | 15 | 25 | 45 | 45 |
| - port | 10 | 10 | 15 | 35 | 40 |
| - in country | * | 5 | 10 | 10 | 5 |

(1) Provisional figures rounded to the nearest 5 with * = 1 or 2 and .. = not available.
(2) Figures exclude information on applications made overseas.
(3) Decisions do not necessarily relate to applications made in same year.
(4) Usually granted for a year in the first instance, subject then to further review.
(5) Paragraph 340 of Immigration Rules, for failure to provide evidence to support the asylum claim within a reasonable period, including failure to respond to invitation to interview to establish identity.
(6) Refused on the grounds that the applicant had arrived from a safe third country.
(7) Removal figures for 1996 and 1997 are provisional, and subject to revision.

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Table 2

**Profile of applications received for asylum in the United Kingdom from nationals of Iran, excluding dependants, 1990 to 1997**

| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|---|---|---|---|
| **Total asylum applications**[1][2] | 455 | 530 | 405 | 365 | 520 | 615 | 585 | 585 |
| Male[4] | 75% | 70% | 71% | 67% | 71% | 71% | 71% | 74% |
| Female[4] | 25% | 28% | 29% | 33% | 29% | 29% | 29% | 25% |
| Average age | 33 | 32 | 34 | 34 | 35 | 33 | 33 | 33 |
| Applications made by unaccompanied children[5] | .. | .. | 1 | - | 2 | 3 | 2 | 6 |

(1) Provisional application figures rounded to the nearest 5.
(2) Figures exclude information on applications made overseas.
(3) Dependants include spouses, children and other dependant relatives recorded at the time of application.
(4) Figures for 1990 are estimated.
(5) Children aged 17 or under. These are already included in total asylum applications above. '..' = not available.
Figures exclude applications made in-country.

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