REPORT ON THE SITUATION OF IRANIAN REFUGEES IN TURKEY

POST JUNE 12TH 2009: ONE YEAR LATER
Acknowledgements

We thank the human rights defenders who have been forced to seek refuge in Turkey for their invaluable contributions to this report. You courageously stepped forward to inspire this work with your narratives and experiences. We are grateful to you for granting us the privilege and opportunity to advocate on your behalf.


We especially thank International Association of Iranian Mental Health (IAIMH) for their contributions to the report.

Report on the Situation of Iranian Refugees in Turkey: Post June 12th 2009 One Year Later

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OMID Advocates for Human Rights

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Omid Advocates for Human Rights is a grassroots, non-for-profit organization based in Berkeley, California. The mission of Omid Advocates is to promote, advance and represent the human, legal and civil rights of the Middle Eastern Diaspora. Omid Advocates is committed to the pursuit of equality and justice for all sectors of our society with a specific focus directed toward addressing the needs of the most vulnerable members of the community.

Omid Advocates has continued to provide ongoing support and advocacy to Iranian refugees through our Refugee Legal Assistance and Advocacy Program. Our work has included legal representation of refugees before UNHCR to facilitate the processing of refugees pending applications for recognition and resettlement. Through our legal services we seek to empower refugees to advocate for themselves and confidently navigate through the asylum procedure by: Helping refugees to understand the refugee process, to present a coherent claim, and prepare for their interview; Providing documentation, letters of support, requests to expedite applications, referrals for medical and psychological assessments and financial assistance, and; Advocating for refugee laws, policies and practices that coincide with the mandates of international refugee and human rights law.
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“The harsh censorship that exists in Iran along with the extreme limitations the government has created for free speech have caused the conditions there to deteriorate...Many restrictions have...been imposed on human rights activists, some of whom are currently in prison simply for preparing reports that exposed human rights violations. Of those defenders of the human rights currently in prison some are in danger of being executed...[N]ot only is freedom of speech is banned in Iran, but freedom of thought is also banned.

This combination of conditions of the government’s vicious behavior and response to crush the voice of dissent have unfortunately caused some of the best Iranian youth, students, human rights activists, journalists, and authors to flee the country and escape to Turkey where they are living under very difficult conditions, waiting for decisions from the UN to be resettled in other countries.

I am requesting that all international and human rights organizations pay close attention to the human rights problems violations in Iran and focus on and help these refugees who have fled Iran.”

– Dr. Shirin Ebadi
INTRODUCTION

In June 2009 millions of very diverse Iranians participated in the Iranian presidential election. Many who shared a deep desire for freedom united behind reformist presidential candidates hoping to defeat the hard line incumbent Ahmadinejad. Millions of Iranians, who were encouraged by the first-time publicly broadcasted debates between the incumbent and candidates, made their political views known by engaging in pre-election campaigning and by defiantly casting their votes in the June 12th presidential election. The opposition was, however, shocked with disbelief when the government, only hours after the polls closed, announced that Ahmadinejad had won the election with more than 60% of the vote. What followed in the days and months after the election was a bitter and harsh reminder to the Iranian people and the world of the repressive nature of the regime and its unabashed noncompliance with international human rights law.

 Millions of Iranians immediately rejected the election results and took to the streets in mass demonstrations unparalleled since 1979. According to Amnesty International, the regime responded with violence and repression not seen “since the end of the revolutionary period which culminated in the ‘prison massacre’ of 1988.”

The regime moved swiftly to crush the loosely coalesced Green Movement. No less than 4,000 protestors were jailed and many of those jailed were subjected to extreme torture and rape. Official reports claim that 36 people were killed on the streets or in prison by Iranian security forces. Unofficial sources put the number of those killed closer to 250. Paramilitary groups, police and other Iranian security forces attacked and injured thousands of protesters. Journalists, lawyers, women’s activists, labor activists and opposition figures were among those singled out by the regime.

Tech savvy Iranians, both inside Iran and in the Diaspora, kept the world informed with minute to minute reports of events in Iran as they unfolded. On June 20, 2009 the world watched in horror the graphic footage posted to the Internet of twenty-seven year old Neda Soltan as she lay dying on a Tehran street after having been shot by Iranian security forces. In the following weeks 100s were tried on state television in a series of mass “show trials” designed to silence the protests. The regime resorted to forced confessions, torture, rape, intimidation and even execution to validate the outcome of the election.

These objective conditions gave rise to an exodus of political activists fleeing both past and future persecution. This report is based on

2 Id. at 9.
3 Id. at 10.
the observations and contributions of a fourteen-member international fact-finding and humanitarian Delegation. The Delegation consisted of two lawyers from the United States from Omid Advocates for Human Rights, one lawyer from Germany on the Council of Human Rights Watch in Germany, one lawyer from Pakistan representing the International Democratic Lawyers Association, a member of the European Parliament, a candidate for Swedish Parliament, a physician from Austria, a refugee trauma specialist, a registered nurse with extensive community experience, a dentist from the United States, a professor and human rights expert from Germany, a German author and two interpreters. Between March 29, 2010 and April 3, 2010, the Delegation met with the U.S. Consulate in Istanbul, 7 country embassies, a representative of the United Nations High Commissioner for Refugees (“UNHCR”) in Istanbul, UNHCR Directors in Ankara, 7 non-governmental organizations (“NGO”), including the U.S. Overseas Processing Entity in Turkey, International Catholic Migration Commission (“ICMC”), and approximately 70 refugees.

The limitations of this report are many and it does not purport to represent the definitive analysis of the situation of Iranian refugees in Turkey. The report focuses on the experiences of Iranian refugees who have sought to pursue claims and resettlement through the existing UNHCR processing system. It also discusses medical and mental health problems prevalent in the observed population. It does not investigate the economic needs of the refugees which are inherent to living in forced exile and without legal status or employment authorization in a foreign country. This report calls attention to but does not conduct an in depth examination of the procedures of the Turkish Ministry of the Interior (“MOI”), interactions between Iranian refugees and the local population and authorities, and issues related to labor exploitation and housing discrimination. The report is an undertaking of ordinary people concerned about the abuse of human rights in Iran. This report and the work of the Delegation is dedicated to all those who seized the chance to change their lives and to those continuing to work to enforce and defend human rights. Omid Advocates for Human Rights would like to thank the country embassies, NGOs, UNHCR, delegates, and all others who participated in and supported this effort.

5. Country embassies include: U.S., Germany, United Kingdom, Spain, Switzerland, Netherlands, and Canada. NGOs include: Helsinki Citizens Assembly, Association for Solidarity with Asylum-seekers and Refugees (ASAM), and the Refugee Mental Health Center among others.

6. Funding for the Delegation was raised through grassroots fundraising activities conducted in Northern California or was assumed by individual participants in the Delegation.
Asylum Law and Procedures in Turkey

Turkey is both a target country and a transit country for asylum-seekers and refugees. Turkey thus receives thousands of refugees from almost 50 countries. The 1951 Refugee Convention provides that a refugee is someone who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.” The three primary legal foundations for Turkish law regarding asylum-seekers are the 1951 Convention, the 1994 Regulation, and 2006 Implementation Directive. However, these national documents were not enacted by law but rather promulgated by administrative branches and therefore can be amended administratively. Therefore Turkey has no statutory asylum law and it is difficult for asylum-seekers to remain in Turkey with an uncertain and fragile status. Through this administrative scheme non-European asylum-seekers are required to register “as soon as possible” to the MOI through domestic authorities.

All non-European asylum-seekers are required to apply for temporary asylum-seeker status after registering with the police of the city in which they first arrived. If an asylum-seeker does not register with the police, he or she will be considered to have violated Turkish law and may be deported, and high monetary fines are charged for delayed registration.

After asylum-seekers register with the local authorities they are then assigned to one of thirty “satellite cities,” where they are required to physically remain at all times. An asylum-seeker who leaves the assigned city without permission is considered an “escapee” and subject to prosecution. The satellite cities located inland and far from the European border are not metropolitan areas where asylum-seekers can access employment or advanced medical services. It is only possible to apply for a discretionary police transfer of satellite cities for severe medical conditions or purposes of family reunification. Asylum-seekers and refugees must get authorization from the local police to travel for any reason. The police may grant permission for up to 15 days with the possibility of a 15 day renewal by the police in the visited city. If the asylum-seeker travels without permission, the individual can be prosecuted with a resulting monetary fine, imprisonment, and even deportation. Not only do asylum-seekers and refugees not have freedom of movement between cities, they are also required

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10 Id. at 7.
11 Id.
to go to their local police station to sign in on a daily or weekly basis with the Foreigners Section of the Police. Eventually, asylum-seekers undergo an interview with the police and the MOI adjudicates their application for asylum-seeker status.\textsuperscript{15}

\textbf{REFUGEES ARE CAUGHT IN THE POLITICAL CROSSFIRE}

When Turkey ratified the 1951 Convention and its 1967 Protocol its obligation to protect refugees was limited to individuals who had become refugees as a result of events occurring in Europe pursuant to Article 1B of the Convention. Turkey currently maintains this geographical limitation on its obligation to protect refugees and it defines Europe as all members of the European Council of Europe, Russia and ex-Soviet states west of the Urals. Therefore UNHCR is the sole source of protection for refugees in Turkey who are from non-European countries. Turkey’s legal framework for administrative asylum law was established though its 1994 Asylum Regulation as amended in 1999. This 1994 Regulation provides that non-European asylum-seekers may be granted temporary asylum-seeker status until such time that they may be resettled in a third country through UNHCR.\textsuperscript{16}

However, Turkish asylum law is due to undergo a major overhaul as a result of its plans to accede to the European Union (‘‘EU’’). In the process of accession to the EU, Turkey has tried to bring its asylum laws into alignment with EU policies in accordance with the accession partnership document. As a result the government announced its National Action Plan for the Adoption of the European Union Acquis in the Field of Asylum and Migration in December 2004. The government proposes to lift the European geographical limitation to its obligations under the 1951 Convention in 2012. In the National Action Plan, the withdrawal of the geographical limitation is accepted on the condition that an institutional apparatus be adopted to facilitate ‘‘burden-sharing’’ with the EU and that all parties understand that Turkey does not wish to encourage an asylum influx that would overburden its asylum system.\textsuperscript{17}

Turkey makes this a condition because EU countries have fallen drastically short of sharing the burden of refugee resettlement. A majority of EU countries have no resettlement program. According to UNHCR, in 2008 65,596 refugees were resettled worldwide. Of these, 4,378 refugees, or 6.7\%, were resettled in an EU country. In 2009, the EU resettled 6,800 of the total 84,000 resettled refugee population.\textsuperscript{18} The numbers of refugees resettled in the EU are drastically lower than the numbers taken in by many other countries.\textsuperscript{19} The Stockholm Programme encourages greater engagement of EU Member States in refugee resettlement. The European Commission’s 2009 proposal for a Joint Resettlement Programme, together with new European Refugee Fund (ERF) arrangements, bring new resources and political impetus to discussions of refugee resettlement.\textsuperscript{20} However, until these plans

\textsuperscript{15} Id. at 7.


\textsuperscript{17} Id.

\textsuperscript{18} ‘‘UNHCR and partners lobby for joint European resettlement,’’ UNHCR Agency, May 17, 2010.


are in place, Turkey will remain vulnerable to a debilitating influx of refugees given its forthcoming position as the gateway into Europe.

At the center of this struggle to adopt a balanced approach to refugee resettlement lie the refugees themselves, who in the meantime are shelved between Turkey’s concerns and EU nations’ reluctance to shift its policies to reflect the reality of today’s global refugee numbers.

UNHCR’S ROLE IN TURKEY

The UNHCR Branch Office in Turkey is the organization’s second largest operation in the world. UNHCR’s main branch office is in Ankara and it oversees field offices in Silpi, Istanbul, and Van, with a total of 83 staff. The Ankara office consists of 9 registration/legal clerks, 6 staff interpreters, 2 RSD reviewing officers, 2 appeal officers, and 12 eligibility assistants, 4 of which are regular staff and 8 of which are volunteers. The Van office consists of 1 RSD reviewing officer, 3 RSD assistants, and 2 registration/legal clerks. The Istanbul office has 1 RSD assistant and 2 registration clerks. Eligibility assistants are charged with carrying out RSD interviews and adjudicating first instance refugee status applications. RSD reviewing officers then assess all cases examined by eligibility officers to make a final determination.

UNHCR’s country program budget for Turkey is $7,797,720 in 2010. UNHCR is primarily funded by contributions from governments, non-governmental organizations, and individuals. UNHCR’s largest contributor is the U.S., which contributed $640,126,528 to UNHCR’s 2009 annual budget of $1.3 billion and $765 million for supplementary appeals. Even with such resources available, UNHCR Turkey is underfunded and cited their lack of funding and staff support as the most significant barrier to clearing refugee processing backlogs.

UNHCR’s stated goals are to carry out refugee status determination as fairly as possible under UNHCR’s Mandate and Resettlement for those in need, establish a legal framework for asylum in Turkey with the Ministry of Interior, and to garner support from the European Union for burden sharing. Under UNHCR’s Mandate, UNHCR is to provide international protection by ensuring access to safety, basic human rights, and non-refoulment. Also under their Mandate UNHCR is to work with governments to find durable solutions for refugees, including voluntary repatriation, local integration, and resettlement to a third country.

UNHCR has cited several issues that consistently face refugees and asylum-seekers. These include access to territory and RSD procedures by entering migrants, long wait periods, prolonged periods of detention, high residence fees, a limited right to work, assigned cities of residence, restricted freedom of movement, limited and inconsistent access to assistance, and the lack of governmental coordination mechanisms for the provision of assistance.

Until Turkey implements its National Plan of Ac-

“The high number of asylum-seekers in Turkey and constant lack of UNHCR resources further challenges the agency to preserve the goals of its mandate.”

23 The United States Bureau of Population, Refugees, and Migration (PRM) has authorized a grant of $700,000 additional funding to UNHCR Turkey specifically to address their understaffing and significant backlogs. President’s Fiscal Year 2011 Refugee Admissions Program Meeting, Refugee Processing Center, Washington D.C., May 4, 2010.
26 Id.
tion to harmonize its asylum laws with other EU nations, asylum-seekers rely on UNHCR for protection and to adjudicate their refugee applications for eventual resettlement in third countries. Indeed, Turkey solely grants temporary asylum-seeker status to non-European asylum-seekers so that these individuals can be resettled through UNHCR. Thus this apparatus allows asylum-seekers a modicum of protection so they may pursue their refugee claims with UNHCR.

Yet, the dual role, of being both refugee advocate and refugee claim adjudicator, imposed on UNHCR in Turkey presents reason for concern. The role of UNHCR according to its Mandate is to advocate for refugees and to protect them from despotism. This consistently requires the agency to challenge governments, placing the office in a conflicting relationship with states. The high number of asylum-seekers in Turkey and constant lack of UNHCR resources further challenges the agency to preserve the goals of its mandate. UNHCR’s role as refugee advocate is also at times compromised by its responsibility for adjudicating refugee claims. Many of the refugees with whom the Delegation spoke expressed dissatisfaction with the quality of their UNHCR interview, perceived the interview as adversarial and in a few cases reported inappropriate, hostile reactions from the RSD officer or likened the experience to being interrogated by Iranian security authorities.

OBSERVATIONS

Demographics of Recent Refugees

Emigration from Iran between 1950 to June 12, 2009 can be categorized into three major waves. These categories are marked by differences in socioeconomic status and motivations for migration, and encompass both forced and voluntary migration.\textsuperscript{28} The Delegation observed the beginning of a new fourth wave of emigration from Iran emerging from the violence and repression unleashed by the Iranian regime following the June 12\textsuperscript{th} presidential election.

The previous third wave of Iranian emigration from 1996 to 2009 has been described as being composed of highly skilled individuals leaving academic or research positions, like those from the second wave, and economic refugees with less education or transferable skills.\textsuperscript{29} Iranians submitted 34,343 asylum applications in the year 2000, the highest number of applications since 1986.\textsuperscript{30} Iranians left during the third wave because of the country’s economic crisis, deteriorating human rights situation, loss of opportunities and the continuing tension between reformists and hardliners in the government.\textsuperscript{31}

In June 2009 the relationship between reformists and hardliners in Iran shifted from one of tension to confrontational and a new fourth wave of emigration began flowing out of Iran. This wave, like the previous waves, includes individuals with higher education, national minorities, diverse socioeconomic backgrounds and urban residents. However, based on the sample of refugees with whom the Delegation interacted, the fourth wave of emigration is characterized by individuals who:

- Fled various degrees of mistreatment on account of political opinion or escaped from Iran to avoid political persecution;
- Engaged in journalism, filmmaking, or other media including citizen journalists, documentarians, bloggers, radio interviewers, and internet campaigners;
- Were single men and women between the ages of 20-35;
- Were not seeking greater employment opportunities.

This hypothesis is based on examining the socioeconomic characteristics and political backgrounds of only those post-June 12th refugees who have submitted refugee claims to UNHCR and is further limited by the scope of the Delegation’s contacts while in Turkey. There are several factors, such as gender, education, access to information, and safety that influenced which individuals made contact with the Delegation. For example, it is likely that the most traumatized refugees did not meet with the Delegation because they may have felt it would be dangerous to expose themselves to unknown individuals. Also as pointed out later in the report, thousands of unregistered Iranians are believed to be in Turkey pursuing other options for onward movement into Europe or elsewhere.

\begin{tabular}{l}
\textsuperscript{28} Iran: A Vast Diaspora Abroad and Millions of Refugees, Migration Information Source, S. Hakimzadeh, September 2006. \\
\textsuperscript{29} Id. \\
\textsuperscript{30} Id. \\
\textsuperscript{31} Id. \\
\end{tabular}
The single most dominant characteristic of this fourth wave of emigration from Iran is the age of the members. Overwhelmingly, the members of the group are between the ages of 20 to 35. Of the 41 adult refugees and asylum-seekers interviewed, 75% were 35 years of age or younger. The age of the adult refugees ranged from 20 to 48 years of age. Many reported having been forced to disrupt their university studies or careers to flee past or avoid future persecution. They languished over leaving behind parents, fiancées and friends.

The second most observed characteristic among the members of the fourth wave of emigration was that many had fled Iran after being arrested and tortured in the months following the election or fled Iran to avoid future political persecution. A majority of the refugees interviewed by the Delegation reported engaging in June 12th political activities consisting of pre-election propaganda work for the opposition candidates, participating in post-election demonstrations, blogging, giving interviews to foreign media, photojournalism or using social networking sites in support of the opposition. Other refugees reported having no participation in June 12th political activities but rather had previously been politically active and imprisoned and were rearrested after the election. Most of the refugees interviewed expressed support for the Green Movement and candidates Mousavi or Karroubi.

Many of the refugees reported having associations, memberships or activities with unregistered NGOs, student groups or professional associations. It seems that the individuals interviewed participated with these groups because they did not identify with the existing political parties approved by the Guardian Council in Iran. Only one refugee reported having been a member of a political party. Four refugees reported supporting an opposition group headquartered outside Iran. All the refugees expressed a desire for political and individual freedom and disdain for the current regime in Iran. They also overwhelmingly expressed lack of preparation for living in exile and few had ties with political networks, family, or friends outside Iran.

These particular characteristics make life in exile especially difficult for members of the fourth wave of emigration from Iran.

### IRANIAN REFUGEES ARE PARTICULARLY VULNERABLE IN TURKey

Unlike refugees from both Iraq and Afghanistan which also share a border with Turkey, Iranian refugees are particularly vulnerable because reliable evidence exists that Iranian security forces have entered Turkey to pursue and terrorize asylum-seekers. Regardless of whether forced repatriation of asylum-seekers by Iranian security forces is occurring or is merely threat, the possibility creates fear, suspicion and anxiety within the refugee population.52

Two refugees reported to the Delegation that they had been assaulted by Farsi-speaking men. Another refugee reported being questioned and threatened while in the hospital by representatives of the Iranian government stationed at a consulate in Turkey. Many other refugees reported that their

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**TABLE A**

<table>
<thead>
<tr>
<th>Age/Gender</th>
<th>0 – 18 years</th>
<th>18 – 30 years</th>
<th>31 – 40 years</th>
<th>41 – 60 years</th>
<th>61 and above</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Male</td>
<td>2</td>
<td>18</td>
<td>9</td>
<td>4</td>
<td>0</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>22</td>
<td>14</td>
<td>5</td>
<td>0</td>
<td>44</td>
</tr>
</tbody>
</table>

(53% of adults) (34% of adults) (12% of adults)

---

TABLE B: Demography and special protection/assistance needs of iranian refugees as of March 2010*

<table>
<thead>
<tr>
<th>Ethnic Origin (Individuals)</th>
<th>0-4</th>
<th>5-11</th>
<th>11-17</th>
<th>18-59</th>
<th>60+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kurd</td>
<td>38</td>
<td>82</td>
<td>92</td>
<td>556</td>
<td>21</td>
</tr>
<tr>
<td>Fars</td>
<td>31</td>
<td>98</td>
<td>99</td>
<td>856</td>
<td>20</td>
</tr>
<tr>
<td>Azari</td>
<td>69</td>
<td>180</td>
<td>191</td>
<td>1,412</td>
<td>41</td>
</tr>
<tr>
<td>Turk</td>
<td>3.6%</td>
<td>9.5%</td>
<td>10.1%</td>
<td>74.6%</td>
<td>2.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Religious Background (Individuals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christianity</td>
</tr>
<tr>
<td>Islam (Shiah)</td>
</tr>
<tr>
<td>Islam (Sunni)</td>
</tr>
<tr>
<td>Islam (unspecified)</td>
</tr>
<tr>
<td>Baha’i Faith</td>
</tr>
<tr>
<td>Atheism</td>
</tr>
<tr>
<td>No religion</td>
</tr>
<tr>
<td>Al-e Haq</td>
</tr>
<tr>
<td>Judaism</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Zoroastrianism</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education Level (Individuals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No education</td>
</tr>
<tr>
<td>Informal education</td>
</tr>
<tr>
<td>Kindergarten</td>
</tr>
<tr>
<td>Primary school</td>
</tr>
<tr>
<td>Secondary school</td>
</tr>
<tr>
<td>High school</td>
</tr>
<tr>
<td>Technical or vocational</td>
</tr>
<tr>
<td>University level</td>
</tr>
<tr>
<td>Technical or vocational</td>
</tr>
<tr>
<td>University level</td>
</tr>
<tr>
<td>Post university level</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific Needs (Individuals)</th>
<th>% of the total active Iranians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical medical condition</td>
<td>59</td>
</tr>
<tr>
<td>Persons with disabilities</td>
<td>11</td>
</tr>
<tr>
<td>Women at risk</td>
<td>29</td>
</tr>
<tr>
<td>Single parent</td>
<td>3</td>
</tr>
<tr>
<td>Child or adolescent at risk</td>
<td>1</td>
</tr>
<tr>
<td>Unaccompanied or separated child</td>
<td>25</td>
</tr>
<tr>
<td>Family unity</td>
<td>2</td>
</tr>
<tr>
<td>Older person at risk</td>
<td>12</td>
</tr>
<tr>
<td>Special legal and protection needs</td>
<td>91</td>
</tr>
<tr>
<td>Survivor of torture</td>
<td>3</td>
</tr>
<tr>
<td>SGBV</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Individuals with Specific Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>253</td>
</tr>
</tbody>
</table>

*These demographics constitute the population of UNHCR recognized refugees as of March 23, 2010 and therefore predominately reflect the demographics of Iranians that fled prior to June 12th, 2009.

Total Refugee Population in Turkey as of 23 March 2010

![Pie chart showing the distribution of refugees by country of origin.]

- Iran: 19%
- Afghanistan: 12%
- Iraq: 56%
- Palestine: 9%
- Somalia: 9%
- Sudan: 1%
- Others: 2%
parents and other family had been contacted in Iran threatened or arrested.

Many refugees reported to the Delegation a fear of interacting with other refugees and self-imposed isolation based on suspicions or concerns for security. The refugees consider very seriously the repeated threats by Iranian security forces to punish asylum-seekers abroad or their families living in Iran. On account of these fears and threats, many refugees reported high levels of stress, insomnia, migraines and other symptoms suggesting a lack of psychological well-being, ongoing re-traumatization, and secondary traumatization due to their conditions in Turkey.

In 2009 the number of newly arrived Iranian asylum-seekers who registered with UNHCR in Turkey was 1,981 (Table C). In 2008 the total registered new Iranian arrivals was 2,113. Therefore the number of newly arriving Iranian refugees has not increased since 2008. This however, does not necessarily indicate the absence of an influx of Iranians seeking refuge in Turkey since the June 12, 2009 elections. The more plausible explanation for the relatively stable number of newcomers registering with UNHCR is that many of the Iranians who have fled to Turkey have not yet registered with UNHCR.

Many Iranian asylum-seekers may be deterred from registering with UNHCR because of ambiguities concerning the process or lack of assistance from the Turkish authorities, high costs of maintaining residence fees and the long waiting periods for adjudication of a refugee claim through the UNHCR system. Many of these individuals likely entered Turkey legally with their Iranian passport and were thus not forbidden to leave Iran or managed to circumvent airport exit controls. Indeed, it

**“Many refugees reported to the Delegation a fear of interacting with other refugees and self-imposed isolation based on suspicions or concerns for security.”**

**HOW MANY IRANIAN REFUGEES ARE IN TURKEY?**

Iranians currently make up the second largest group of asylum-seekers in Turkey after Iraqis. As of February 2010, the number of Iranian refugees and asylum-seekers in Turkey totaled 4,312. This includes asylum-seekers, whose refugee status applications are pending adjudication by UNHCR, and refugees who have been granted refugee status by UNHCR. As of March 23, 2010 there were 1,893 recognized Iranian refugees in Turkey (Table B).

In 2009 the number of newly arrived Iranian asylum-seekers who registered with UNHCR in Turkey was 1,981 (Table C). In 2008 the total registered new Iranian arrivals was 2,113. Therefore the number of newly arriving Iranian refugees has not increased since 2008. This however, does not necessarily indicate the absence of an influx of Iranians seeking refuge in Turkey since the June 12, 2009 elections. The more plausible explanation for the relatively stable number of newcomers registering with UNHCR is that many of the Iranians who have fled to Turkey have not yet registered with UNHCR.

Many Iranian asylum-seekers may be deterred from registering with UNHCR because of ambiguities concerning the process or lack of assistance from the Turkish authorities, high costs of maintaining residence fees and the long waiting periods for adjudication of a refugee claim through the UNHCR system. Many of these individuals likely entered Turkey legally with their Iranian passport and were thus not forbidden to leave Iran or managed to circumvent airport exit controls. Indeed, it

**“Refugees know or soon realize that only 20% of all refugees in Turkey are ever resettled in third countries. This daunting figure would discourage anyone from attempting to enter into the resettlement process with all of its aggravating complexities and no guarantee of ever being moved to a secure third country.”**

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33 As of December 31, 2009 there were 16,337 non-European persons of concern registered with UNHCR in Turkey, comprised of 10,350 refugees and 5,987 asylum-seekers waiting for a decision on their applications. Of the total persons of concern, 42% were Iraqis and 26% were Iranians. Prior to 2007 Iranian asylum-seekers and refugees were the largest groups. “UNHCR in Turkey Facts and Figures,” UNHCR Office in Turkey, January 2010.

34 “Migration ‘securitization’ and the everyday implications: an examination of Turkish asylum policy and practice, Kristen Biehl, CARIM Best Participants Essay Series No. 2009/01, 2009 EUI, RSCAS
is extremely easy to enter Turkey because Iranians are not required to obtain an entry visa. It is estimated that more than 1 million Iranians cross into Turkey annually.\textsuperscript{35} Tourism between Turkey and Iran has radically increased this year. According to one source, over 1 million Iranian tourists entered Turkey during the first 4 months of 2010.\textsuperscript{36} Thus many unregistered asylum-seekers likely entered as tourists and have simply allowed their allotted 3 month tourist visa exemption to expire before blending into Turkish society.

Other asylum-seekers may be waiting to obtain fraudulent documents so that they may enter Europe. This is not an uncommon practice in Turkey given its proximity to the borders of the European Union. Refugees know or soon realize that only 20\% of all refugees in Turkey are ever resettled in third countries.\textsuperscript{37} This daunting figure would discourage anyone from attempting to enter into the resettlement process with all of its aggravating complexities and no guarantee of ever being moved to a secure third country.

The Delegation found that no firm figures regarding the presence of unregistered Iranians in Turkey exist. However, through our discussions with various officials it was estimated that there are at least as many unregistered Iranians as there Iranians who have registered with the Turkish authorities and UNHCR. This would bring the figure to roughly 8,624 persons total as of February 2010, and of those, at least 2,000 persons fled into Turkey between June and December 2009. With an average of 165 asylum-seekers registering per month and an estimated 165 unregistered asylum-seekers entering per month,\textsuperscript{38} the more accurate reflection of post-June 12th asylum-seekers and refugees as of June 1, 2010 is approximately 3,650 Iranians.\textsuperscript{39}

WHERE ARE THE IRANIAN REFUGEES IN TURKEY?

The refugee populations in Nevsehir, Kayseri, and Nigde are overwhelmingly Iranian. Agri and Van in the far Eastern region of Turkey also have substan-
tial portions of Iranians. As of September 2009, Irani-
ans have been increasingly assigned to the satel-
lite cities Nevsehir and Kayseri rather than Agri.

Agri is a remote and economically deprived satel-
lite city in which Afghans and Iranians are mostly
concentrated. The Iranians that are assigned to live
in Agri tend to be those who have entered illegally
through the Eastern border with Iran because Agri
is their city of arrival. Given their remote location
and proximity to the Iranian border, refugees in
Agri comprise one of the most vulnerable groups
of Iranian refugees (See Map).

However some Iranians do not reach the interior
of Turkey and are instead captured by Turkish au-
thorities, detained and returned to Iran without the
benefit of access to asylum procedures. This prac-
tice presents a significant problem and potential
violation of international humanitarian law but re-
 mains outside the scope of this report. Others are
detained while attempting to exit Turkey illegally.
Turkish Passport Law provides that non-citizens
who enter Turkey illegally can be fined and impris-
oned for up to six months and then deported upon
completion of their sentences. Article 33 of the Law
provides similar penalties for anyone attempting to

“Given their remote location and proxim-
ity to the Iranian border, refugees in Agri
comprise one of the most vulnerable groups
of Iranian refugees.”

leave Turkey without the necessary travel docu-
ments. Approximately 60,000 – 70,000 irregular
migrants are captured per year according to the
MOI.⁴⁰ Although UNHCR attempts to prevent any
deporation of potential refugee applicants, a UN-

HCR Istanbul representative reported to the Del-
egation that Turkish authorities were holding Irani-
ans in Turkey’s Istanbul guesthouses for foreigners,
which are used to hold irregular migrants.⁴¹

ACCESS TO SOCIAL AND MEDICAL
SUPPORT SERVICES

After registering with the MOI and UNHCR, asylum-
seekers are given very little, if any, social or financial
support. Limited financial assistance is available by
UNHCR and the Turkish government for only the
most vulnerable asylum-seekers. The 2006 Imple-
m entation Directive outlines the government’s role
in providing monetary assistance and other mate-
rinal support. However this directive is not uniformly
implemented in all 30 satellite cities and assistance
is therefore both arbitrary and sporadic.⁴² Most ref-
ugees are cut off from family support networks and
there are few internal and foreign non-governmental
organizations that provide financial assistance
to refugees.

Although the mechanism for issuing work autho-
ization exists pursuant to Law No. 4817 of 2003,
no work authorization permits have been issued in
years. This is because the law provides
that work permits be granted only to ref-
ugees and asylum-seekers who are able
to perform work for which a qualified
Turkish national cannot be identified.
Thus to our knowledge, no asylum-seek-
er is legally authorized to work in Tur-
key.⁴³ This arrangement pushes refugees
into a system of labor exploitation with no recourse
when subjected to abuse by employers.

Aside from providing for their own basic needs,
Turkey requires that all residents hold a residence
permit to be renewed every six months for a fee of

⁴⁰ International Organization for Migration, “Migration in Turkey: A Country Pro-
file 2008,” p.31 (available at: http://publications.iom.int/bookstore/free/TurKey_Pro-


⁴³ Id.
approximately 336.85 TL ($227) per six months for each adult. This amounts to $454 annually plus a 138 TL ($93) document fee for the residence permit, totaling $547. A residence document and an asylum-seeker identification card are required in order to access health care, education, work, financial and social assistance. The Delegation observed that existing procedures for an exemption for the fee were not uniformly enforced. Some cities granted the exemption whereas others were not implementing the waiver procedures.

44 The residence fee is set by the Ministry of Finance each year. A refugee who stays in Turkey without being able to pay the residence fees will not be issued an exit permit to leave the country unless s/he pays almost the due amount plus interest. “Reform in Turkish Asylum Law: Adopting the EU Acquis?” Ibrahim Kaya, Euro-Mediterranean Consortium for Applied Research On International Migration (CARIM) Research Reports 2009/16, European University Institute, pg. 7. The residence fee is approximately 288 TL for each child. “UNHCR in Turkey Facts and Figures,” UNHCR Office in Turkey, January 2010.
45 Id.

On March 22, 2010 the MOI issued circular number B.050.OKM.0000.12/361, stating that as part of the process of harmonization with the EU legal framework, refugees and asylum-seekers who cannot afford the residence fee will be exempted. The circular states that this policy will be enforced under the framework of the existing provision, Article 88 of the Law on Fees No. 492 which states in its relevant part, “No residence permit fee shall be charged from the below foreigners: a) Students receiving education in Turkish schools or faculties and... d) The poor who are considered to be in a bad financial situation by the authorities in charge of issuing residence permits.”

Under the framework of that provision, it is not clear how each satellite city will implement Article 88 any differently from its former procedure. The circular states that the Foreigners and/or Passport Sections of the Provincial Security Directorates of the provinces where asylum-seekers are allowed to reside are charged with making the necessary assessment within 15 working days and with finalizing the procedure. These Sections are to issue residence permit free of charge to those whose financial situation merit the exemption. The circular also states that these Sections must reassess asylum-seekers’ obligation to pay uncollected past due fees to decide whether the exemption will be retroactively applied.47

Under the 2006 Circular the Turkish government pays for the cost of health care services for asylum-seekers with financial need through the Social Solidarity Fund.48 Asylum-seekers must apply with the local police who then write to the Fund, which is administered through the governor of each province. Asylum-seekers are then issued a certificate with which he or she can access free medical care at hospitals. Thus asylum-seekers who pay the residence fee or obtain an exemption are provided access to limited medical services. For example, asylum-seekers and refugees have access to the emergency room of public hospitals and clinics and can access doctors. However, refugees and asylum-seekers are still required to pay for certain laboratory tests and medicines and are therefore prevented from obtaining meaningful treatment of their medical conditions.49 In 2008, Law No. 5510 on Social Insurance and General Health was enacted, which provides coverage for asylum-seekers if they pay a general health insurance premium. However, most asylum-seekers and refugees cannot afford to pay the general health insurance premium.50

Of the asylum-seekers and refugees interviewed by the Delegation regarding sources of income, a majority reported receiving some financial assistance from the Turkish government and organizations within Turkey, 54% reported receiving financial support from family in Iran or elsewhere, approximately 62% reported receiving assistance from humanitarian non-governmental organizations outside of Turkey, and approximately 46% reported receiving income through some form of work in Turkey. Approximately 15% reported they had some personal savings. All of the asylum-seekers and refugees relied on some combination of these sources of income to survive.

“What, almost nine months after the crackdowns following the election, the number of refugees resettled outside Turkey remains very low.”

The Turkish Constitution obliges all children age 6 – 14 to attend primary school, which the government provides freely. However, access to education is only provided to children whose parents have paid their residence fees. Although children of refugee and asylum-seekers who are enrolled in school are exempted from paying residence fees, children cannot enroll in school unless their parents have paid their residence fees. These costs, along with other costs associated with schooling, are often prohibitive and

47 Id.
50 Id.
leave children without educational opportunities.\textsuperscript{51} Aside from the costs, the Delegation also observed that refugee and asylum-seeker parents are often reluctant to send their children to school where they face discrimination and language barriers.

The living conditions in Turkey for asylum-seekers and refugees are particularly harsh without legal employment authorization and a lack of adequate social support. Aside from the aforementioned issues, many refugees face housing discrimination and discrimination from local Turkish citizens. Many refugees do not report attacks or other discrimination to local police due to a fear that it will cause further harassment. UNHCR has taken steps to assist the most vulnerable asylum-seekers and refugees by partnering with the Association for Solidarity with Asylum-seekers and Migrants (ASAM) and Human Resources Development Foundation (HRDF). However, these organizations are working with limited resources and have not been able to effectively address the needs of many refugees and asylum-seekers.

\textbf{OVERVIEW OF PENDING REFUGEE CASES WITH UNHCR}

Although there has not been a sharp increase of asylum-seekers registering with UNHCR since the June 12\textsuperscript{th} election, there has been a significant shift in the types of cases UNHCR is now processing. The UNHCR in Turkey processes four major categories of Iranian refugees. The first group consists of Baha’is, which in recent years has made up about 30% of the UNHCR caseload. The second largest group has generally been Iranian converts to Christianity. The third group is comprised of political refugees. The number of political refugees in UNHCR’s caseload has significantly grown since the June 2009 election. The fourth group is those fleeing based on sexual and gender-based persecution (Table B).\textsuperscript{52} Therefore although the number of asylum-seekers from Iran registering with the UNHCR reflects only a minor increase, the new refugees from Iran include journalists, urban Iranians, academics, and activists fleeing persecution based on their political opinion. The Delegation observed that post-June 12\textsuperscript{th} Iranian refugee cases fall into the following categories:

1. Registered with UNHCR waiting for RSD interview;
2. Completed RSD interview waiting for response;
3. Recognized by UNHCR and waiting for resettlement;
4. Denied by UNHCR and pending appeal.

During the visit to the U.S. Embassy in Istanbul, the Delegation was informed that as of March 2010 only ten post-June 12\textsuperscript{th} Iranian refugees had been accepted by the United States. It was not, however, confirmed if all ten had already been admitted to the United States or were still completing their processing. In addition, in Ankara several UNHCR recognized refugees reported that they had just been accepted for admission to Norway and were waiting to be processed for resettlement. Since the Delegation’s departure, the UNHCR granted 4 refugee status applications and denied 2 refugee status applications.

\textsuperscript{51} Id.
\textsuperscript{52} Delegation meeting with UNHCR Directors, Ankara, Turkey, March 30, 2010.
of the individuals with whom the Delegation met. However, almost nine months after the crackdowns following the election, the number of refugees resettled outside Turkey remains very low. The Delegation conducted interviews with a total number of 67 refugees and asylum-seekers including 20 pre-June 12th refugees and asylum-seekers. The pre-June 12th group consisted of both UNHCR recognized refugees waiting for resettlement opportunities and others waiting for UNHCR decisions. This overview, however, will examine only the post-June 12th refugees interviewed by the Delegation.

WAIT FOR RSD INTERVIEW

Procedural Standards for Refugee Status Determination (“RSD Standards” or “Procedural Standards”) under UNHCR’s Mandate, September 1, 2005 provide:

With exception of cases referred to the Accelerated RSD Processing Procedures...Applicants should be scheduled for RSD interviews in the order that the RSD Application Form has been received by UNHCR. (§3.5.1)...

The length of time between the date of registration and the scheduled RSD Interview will vary depending on the number of registered cases and the number of Eligibility Officers in each UNHCR Office, but should not exceed six months. When the scheduling of RSD Interviews exceed this period, the UNHCR Office should notify the relevant Bureau at UNHCR Headquarters and DIP. (§3.5.3)

Accelerated RSD Processing procedures should incorporate reduced waiting periods at each stage of the RSD procedures, and shortened timelines for the issuance of RSD decisions. (§4.6.1)

Categories of Applicants who should be considered for Accelerated RSD Processing

- Applicants who are manifestly in need of protection intervention, including persons who may be subject to immediate refoulement, arbitrary arrest or detention in the host country, or who may have other serious legal or protection needs;
- Victims of torture or trauma (including victims of gender-based violence), who are suffering from ongoing mental or physical health problems;
- Women who are at risk in the host country;
- Elderly asylum-seekers who are without support in the host country;
- Disabled asylum-seekers who are without necessary support in the host country;
- Asylum-seekers who require urgent medical assistance;
- Certain child Applicants, in particular children who are unaccompanied or otherwise separated from their parents... (§4.6.3)

"The Delegation observed that delayed decisions by UNHCR Eligibility Officers are compounding hardships for already traumatized refugees.”

The Delegation encountered only 2 individuals who had registered with UNHCR and were waiting for their RSD interview. These individuals had entered in November 2009 and were scheduled for
their RSD interview in May 2010. While this length of time between the date of UNHCR registration and the scheduled RSD interview appears within the Procedural Standards, a significant problem with the scheduling for many individuals was observed because these applicants should have been considered for Accelerated RSD Processing on account of medical needs or as the victims of torture.

The Delegation observed that UNHCR failed to identify and expedite the interviews of 15 applicants at the time of their registration as victims of torture and/or rape, or on account of their need for urgent medical assistance due to having suffered gunshot wounds. For example, one of the individuals who ultimately waited 6 months for his RSD interview was in need of urgent medical assistance as the result of a gunshot wound in his leg that was in danger of becoming gangrenous. Another 8 applicants were suffering from serious medical complications as the result of torture and rape. All of these applicants waited 3 to 4.5 months for an RSD interview. The Delegation observed 15 vulnerable individuals that should have had their interviews accelerated but instead waited an average of 3.5 months for their RSD interview. The Delegation therefore observed a lack of full compliance with RSD Standards requiring Accelerated RSD Processing for particularly vulnerable applicants.

Overall however, of the sample of 41 applicants the average length of time between registration and scheduled RSD interview was 4 months and within the timeframe outlined in the Procedural Standards.

### TABLE D

<table>
<thead>
<tr>
<th>Application Status/Decision Wait Time</th>
<th>0-1 Month</th>
<th>1-3 Months</th>
<th>3-5 Months</th>
<th>5-7 Months</th>
<th>Over 8 months</th>
<th>TOTAL</th>
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<td>26</td>
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<td>4</td>
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<td>10</td>
<td>20</td>
<td>6</td>
<td>1</td>
<td>41</td>
</tr>
</tbody>
</table>

**WAIT FOR RSD DECISION**

Procedural Standards for Refugee Status Determination Under UNHCR’s Mandate §4.5 provides:

*As a general rule, RSD decisions should be issued within one month following the RSD interview.*

*Where an Application raises complex issues, or requires consultation with third parties or additional research on matters that are central to the RSD decision, Eligibility Officers should be permitted to assign a later date to issue the RSD decision, which should not exceed one month. If a longer postponement is necessary, or if additional postponements are sought, the Eligibility Officer should consult with the RSD Supervisor, or another designated Protection staff member, who should assess whether it is necessary and appropriate to postpone the decision for a longer period.*

The Delegation observed serious lack of compliance by UNHCR with its guidelines in the vast majority of pending post-June 12th applications, as well as pre-June 12th applications.

From a sample of 41 pre-June 12th applications, 40 of the applicants have been waiting more than one month for a decision after his or her RSD interview. The average wait time after the RSD interview for all 41 adult applicants interviewed by the Delegation is 3.9 months. The longest observed wait
time is 8 months and this applicant continues to wait for a decision.

Of those 41 applicants, 15 have received a decision. The average decision wait time for these 15 applicants was 3.6 months, ranging from 2 weeks to 7 months. Six (6) of these applicants were in critical medical condition and had legal counsel intervene on their behalf to request Accelerated RSD Processing of their application.

The Delegation observed 15 particularly vulnerable applicants whose applications should have been accelerated. The average decision wait time for these particularly vulnerable applicants is 3.5 months. 6 of these 15 particularly vulnerable applicants were appropriately expedited only after the intervention of legal counsel. Another 6 of the 15 particularly vulnerable individuals are still waiting for a decision, including 2 people waiting for 6 months, 2 people waiting for 4 months, 2 people waiting for 3.5 months, and 1 person who has only recently completed his interview after waiting 6 months. Table D represents the wait period for a decision following the RSD interview reported by applicants interviewed by the Delegation.

At a meeting in Ankara, UNHCR informed the Delegation that the normal processing time from date of registration to decision was approximately 12 months. Some applicants also reported being told at the conclusion of their RSD interview that a decision would follow in 3 – 6 months. These estimates, however, significantly exceed the general rule of one month as stated in the Procedural Standards.

The Procedural Standards urge UNHCR offices to “take all possible steps to minimize uncertainty or inconvenience for the Applicant,” and if it is not possible to issue the RSD decision on the scheduled date, “contact the Applicant in advance to advise him/her that rescheduling is necessary.”

The Delegation observed that delayed decisions by UNHCR Eligibility Officers are compounding hardships for already traumatized refugees. The asylum-seekers and refugees appeared highly anxious about their futures. Many reported having financial problems because they had exhausted funds they brought with them to Turkey. Many refugees who reported having new health problems or symptoms of deteriorated physical and emotional health believed those changes were related to their protracted and uncertain stay in Turkey. One asylum-seeker reported to the Delegation, “The biggest problem is that we don’t know what to do, the fear of being rejected is high. Most refugees cannot eat more than one meal a day, but all of these issues are not comparable to not knowing what is going to happen with our case.”

Asylum-seekers and refugees reported to the Delegation their frustration with the lack of information on the status of their application and non-responsiveness of UNHCR to their correspondence. No asylum-seekers reported having been contacted by UNHCR to reschedule their RSD decision date. A majority of asylum-seekers reported anxiously checking their online status on the UNHCR website at least once a day. Many asylum-seekers expressed a lack of knowledge with regard to the stages of the adjudication process and meaning of the information posted on the UNHCR Turkey results website.

There is reason to believe that processing delays may also be responsible for creating an atmosphere of tension among the refugees and with the larger community in which they find themselves.

“The family with whom the Delegation met reported that their interview experience was intimidating and adversarial.”

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54 Meeting with UNHCR Directors, Ankara, Turkey, March 30, 2010.
55 Procedural Standards for Refugee Status Determination under UNHCR’s Mandate, September 1, 2005 §4.3.12.
Without work authorization they become vulnerable to labor exploitation. Health and psychological conditions are exacerbated without sufficient funds with which to purchase medications. These realities push the refugees into deeper despair.

Mechanisms within UNHCR exist for minimizing backlogs but implementation of these forms of relief were lacking at the time of the Delegation’s visit. Suggestions for addressing this area of non-compliance appear in the Recommendations section of this report.

**INTERVIEW PROCEDURES AND RSD DENIALS**

The Delegation was concerned with several issues regarding asylum-seekers’ RSD interviews. Of a sample of 14 individuals, 7 reported that their interview was overall a positive experience and 7 reported that their interview was a negative experience. The RSD Standards suggest that eligibility officers should create an environment of trust and respect, as well as speak in a non-confrontational manner. Many of the asylum-seekers reported that their interview experience felt like an interrogation. One refugee reported, “it was one of the worst experiences of my life,” and another reported that, “it was worse than being interrogated by Iranian authorities.” The Delegation heard numerous stories regarding one eligibility officer in particular shouting and banging on his desk during interviews. The RSD Standards also require eligibility officers to consult relevant country of origin information for each interview. Some refugees reported that they were repeatedly questioned about insignificant facts and that their interviewer was not at all familiar with the recent conditions and context of Iran. On the other hand, some refugees reported that their interviewers were supportive and respectful.

The Procedural Standards suggest that eligibility officers should ensure that applicants feel physically and psychologically fit for the RSD interview. The refugees who traveled to from Eastern Anatolia to Ankara for their interview reported being exhausted from their long overnight bus ride to arrive at their early morning interviews, only to undergo a six to eight hour session of interrogation. One applicant reported feeling discombobulated and unfocused after the first few hours of his interview, and also added that he was on anti-depression medication that caused drowsiness. The quality of the interview can thus be severely compromised if the eligibility officer does not ensure that the applicant is psychologically and physically fit for the duration of the entire interview.

The length of the interviews was tiring not only for the applicants, but also for the translators. One asylum-seeker reported that his translator repeatedly translated incorrectly and was told by the translator that he felt tired after lunch. The RSD Standards suggest that the eligibility officer should ensure that the interpreter and applicant understand each other. The Delegation was greatly concerned about mistakes by translators due their potential adverse affect on the asylum-seekers’ refugee application. There were also reports that the translators were rude and disrespectful to the applicants.

Asylum-seekers were not permitted access to their interview notes and thus had no opportunity to correct any mistakes or to add information that had not been covered. Nor were applicants provided with a copy of the interview transcript. This issue is of particular concern in the cases of RSD denials. The Delegation met with one family whose application for refugee status had been denied. One other family was notified that their application was denied subsequent to the Delegation’s trip. The family with whom the Delegation met reported that their

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56 Procedural Standards §4.3.5.
57 Id.
58 Id.
59 Id.
interview experience was intimidating and adversarial. The RSD Standards suggest that interviewers should “use open-ended questions to permit Applicants to use their own words to describe the elements they consider most important to their claim.”60 However these denied applicants reported that the interviewer did not allow them to develop the facts of their claim and they were not permitted to put their answers in context. It was observed in this case that applicants who have experienced severe trauma or have varying levels of education have particular difficulties in communicating the facts of their case. This case demonstrates that if the interviewer fails to properly conduct the interview by limiting the applicant’s opportunity to develop the facts of his or her claim the risk of denying a meritorious claim is increased.

Procedural Standard §6.2 states: “Wherever possible, Applicants whose claims are rejected should be informed in writing of the reasons for the rejection. Notification should permit rejected Applicants to make an informed decision about whether an appeal is appropriate and to focus appeal submissions on relevant facts and issues.

As a best practice the completed Notification of Negative RSD Decision letter should include sufficient details to permit the Applicant to know the following:

- Evidence submitted by the applicant that was considered to be insufficient or was not accepted by the decision-maker, and a summary explanation of why evidence was rejected;
- The reason why the accepted facts do not make the applicant eligible for refugee status.

Where it is necessary to limit information relating to the basis of the negative decision in the written Notification of Negative RSD Decision letter, the rejected Applicant should, wherever feasible and appropriate, have the opportunity to meet with a UNHCR staff member to receive more detailed reasons for the rejection of his/her claim.”

When UNHCR issues a negative decision on a refugee application, the status on the online UNHCR Turkey results website is updated and eventually a generalized denial letter is mailed with no detailed explanation that would allow the applicant to understand how the reasons for the rejection relate to their specific claim. Without a sufficient explanation for the negative decision or access to interview transcripts, denied applicants are greatly disadvantaged in their ability to decide whether an appeal would be appropriate or to focus their appeal on relevant facts and issues. Therefore the Delegation observed UNHCR is not in full compliance with the RSD Standards regarding interview procedures and a meaningful right to appeal.

“However, the Resettlement Handbook does not set out a timeline for either referral of a case to the resettlement section or for third country referral and some refugees interviewed reported long wait times for referral of their case to a third country.”

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60 Id. at §4.3.6.
WAIT FOR RESETTLEMENT

A successful Iranian asylum-seeker must wait up to as much as one year or more to be recognized by UNHCR. Refugees who report anxiously checking the UNHCR results website several times every day for an RSD interview response must even after recognition endure yet another lengthy, obscure procedure for resettlement to a third country.

Resettlement involves the transferring of a refugee from the country where he or she has sought refuge to another State which has agreed to admit the person. UNHCR procedures for managing resettlement are outlined in its Resettlement Handbook.\(^{61}\)

The Delegation observed 6 individuals who had been recognized as refugees by UNHCR and were waiting for resettlement. Since the Delegation's trip 5 asylum-seekers have been recognized as refugees, bringing the total to 11 individuals from a sample of 41 post-June 12th cases. Only 1 of these refugees has been resettled and this person was resettled in the United States. Five (5) other individuals are currently being processed by ICMC for resettlement in the United States. Three (3) of these individuals have been referred to Norway in addition to the 3 others who informed the Delegation in Ankara that they had been accepted for resettlement in Norway. Two (2) other individuals continue to wait to be assigned to a country for resettlement.

The resettlement process begins when an individual refugee is identified as being in need of resettlement, usually as a result of a referral received to the UNHCR Resettlement Section from within UNHCR, from an organization external to UNHCR working with refugees, or from refugees themselves.\(^{62}\) The initial registration and the RSD interview provide means for internal referrals from the UNHCR’s Protection Unit to its Resettlement Section of refugees in need of resettlement. External referrals may be made by non-governmental organization working directly with refugees. In some cases an NGO may run pre-screening programs to assess protection and other needs in a particular refugee population. Individual refugees, too, may solicit resettlement. Individual refugee requests, while carefully scrutinized, have become an effective means of identifying vulnerable refugees and provide refugees with direct access to resettlement.

UNHCR’s Resettlement Section conducts a Resettlement Needs Assessment and Registration Verification for all refugees identified as in need of resettlement. If the Resettlement Needs Assessment indicates that a resettlement referral appears well-founded, the Registration Verification is conducted and the Resettlement Registration Form (“RRF”) is prepared. The file will then be referred to a suitable resettlement country.\(^{63}\) Cases are generally referred to one of the principal resettlement countries which maintain established resettlement quotas or a ceiling for refugee admissions, and may also accept cases on an *ad hoc* basis or maintain special programs for refugees with special needs.\(^{64}\)

Once referred, each resettlement country has varying timelines and procedures for resettlement. However, the Resettlement Handbook does not set out a timeline for either referral of a case to the resettlement section or for third country referral and some refugees interviewed reported long wait times for referral of their case to a third country.

\(^{61}\) UN High Commissioner for Refugees, Resettlement Handbook (country chapters last updated September 2009), November 1, 2004 (available at: http://www.unhcr.org/refworld/docid/3ae6b35e0.html [accessed 1 June 2010]).

\(^{62}\) Id.

\(^{63}\) Id. p. V/30.

\(^{64}\) Id. at V/31.

“All refugees reported that their medical conditions deteriorated in Turkey because of stress, poor nutrition and lack of proper medical attention.”
UNHCR relies on a number of factors when determining which country is suitable for an individual refugee. The Resettlement Handbook requires that family links, health requirements and availability of treatment, language, culture, nationality, education background, and skills among other factors be considered when deciding on a suitable resettlement country. However, refugees have no ability to decide which resettlement country will best suit their needs except for purposes of family reunification and refugees do not know to which country they will be referred until the referral is eventually made. This causes great distress for refugees who have no power to influence a decision that so significantly affects the course of their lives.

The vast majority of refugees are, however, resettled in the United States by its Overseas Processing Entity (“OPE”), ICMC. Typically, it takes ICMC four to six months to complete the resettlement of a refugee. Refugees with whom the Delegation spoke anticipated experiencing a high level of satisfaction with ICMC based on agency’s reputation within the refugee population. Refugees, however, expressed concerns about encountering further delays caused by the required background security clearances.

**Physical Health of Refugees**

The Delegation’s medical team was composed of a medical doctor, registered nurse, dentist and refugee traumatologist. The medical doctor and registered nurse examined 20 refugees. The Delegation’s trauma specialist’s findings are reported later in this report.

The average age of the refugees observed by the Delegation’s team for medical concerns was 30, ranging from 22 to 38 years old. Seventy percent (70%) of the refugees observed for medical conditions were males. The number of refugees observed for medical concerns represented 29.4% of the refugees interviewed by the Delegation. The percentage of refugees in need of medical attention for chronic illness was low in relation to the population because the refugees were overwhelming young and less vulnerable to conditions such as diabetes, heart disease, blood pressure, or other chronic illness. A few cases with more severe specific medical issues including multiple sclerosis and acute allergic symptoms were observed.

In contrast, the medical team observed a high prevalence of acute medical conditions among the refugees including migraines, acid reflux disorders, common cold, upper respiratory infection and asthma. Refugees reported the onset of respiratory conditions and asthma after arriving in Turkey where burning coal is a primary source of heat for the home. One individual who was suffering from asthma stated that sometimes the smoke was so thick they could not see each standing in the same room. Individuals also reported burning cow manure as a source of heat in the winter.

“This population exhibits many signs of somaticization of pain, in which the physical pain is a manifestation of the psychological trauma and difficulties that the refugee has endured during their experiences of torture.”

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65 Selection criteria of countries also include: admissibility priorities of countries, family configuration, proximity to the home country, status of country (regional) annual quota. Id. at V/30.

66 “A refugee may clearly state a preference for a particular resettlement country. There may be valid reasons for expressing a country of choice; for example, family members may already be settled there. Close family links should always be considered for the purpose of family reunion. Distant family links, friends or even political allies in the country of resettlement are not necessarily deemed to be reasons for resettlement by resettlement countries. It is important to explain to them that they cannot have a choice and ‘shop around’ for the country of their preference.” Id. at V/39-40.

67 Most refugees seen were already on some form of medication, however, a majority of the refugees did not know the medication’s name. Many of the refugees reported that they did not have their medications because they could not afford to purchase them.
While the refugees were generally not vulnerable to chronic diseases because of their young age and resilience, many of them experienced complications caused by being tortured, sexually violated, beaten with batons and cables, maimed in prison, and by gunshot wounds suffered in street demonstrations or trying to escape. The Delegation observed three individuals who had been shot either in a demonstration or attempting to flee. These individuals had bullets or fragments of bullets still lodged in their bodies and were in need of physical therapy or further surgery. Several refugees were suffering from physical complications caused by being raped or sodomized in prison. Refugees who had been imprisoned complained of back pain and kidney problems caused by being kicked and beaten in prison. Many reported having sustained severe head and spinal injuries while imprisoned. Several individuals were also suffering from physical and neurological problems because they had been imprisoned and tortured prior to the June 12th election. Some of these individuals had fled Iran to avoid imprisonment after the election. Others had been rearrested and tortured after the election and fled to Turkey upon being released. All refugees reported that their medical conditions deteriorated in Turkey because of stress, poor nutrition and lack of proper medical attention.

MENTAL HEALTH OF THE REFUGEES
CONTRIBUTED BY IAIMH

The Delegation observed an extremely high prevalence of psychological disorders among the refugees including depression, anxiety, panic attacks and post-traumatic stress disorder (“PTSD”). The Delegation's refugee trauma specialist and psychologist observed 27 refugees who sought her consultation. The unifying factors among this group are the post-migration acculturation hardships, traumatic narratives, and resiliency in the face of forced flight from their homes and learning to survive in their new environments.

Many of the Iranian refugees interviewed for psychological evaluation have endured great psychological distress and, as a result, have developed PTSD. It is not uncommon for refugees to have symptoms that develop into chronic PTSD. PTSD is defined by the American Psychiatric Association, “the re-experiencing of an extremely traumatic event accompanied by symptoms of increased arousal and avoidance of stimuli associated with trauma.” According to Keane et al. (2004), traumatic exposure is a

“definitional prerequisite for Post Traumatic Stress Disorder (PTSD) and a predisposing factor for further incidence of PTSD if there is a subsequent trauma . . . . In cases where trauma exposure is severe and protracted, rates of mortality and chronic illness far exceed the norm later in life.” (p. 227)

When a person endures severe trauma, such as the experience of war, abusive violence, torture, rape, murder, or witnessing acts of atrocity, PTSD can develop, resulting in horrible memories that may persist throughout an entire lifetime. Traumatic events that result in PTSD impede mental functioning. Symptoms of PTSD include distressing thoughts, emotional numbing, lack of responsiveness, images and flashbacks that recapitulate the traumatic event, and avoidance of specific cues which are associated with the trauma. All of these symptoms cause the individual to experience an increase in stress, agitation, and hyper-vigilance. This locked-in mental association with the past is often long-term in nature and is consequently very debilitating.

Many of the Iranian refugees show severe symptoms of PTSD varying from moderately severe to

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68 Diagnostic and Statistical Manual of Mental Disorders Text Revision (2000) at 393.
69 Ganzel et al., 2007; Rosenzweig et al., 2004
70 Danielli, 2002; Ganzel et al.; Keane et al.; McFarlane, 2004; Rosenzweig et al.
extremely severe. The prevalence rate of PTSD among the Iranian refugees is approximately 80%, or 8 out of every 10 individuals, based on the refugees interviewed. This assessment is limited to the interviews of the Delegation and does not represent empirically based statistical data.

The Iranian refugees interviewed in Turkey exhibited many of the classic symptoms that meet the criteria for chronic PTSD. These suggest the presence of complex trauma (Appendix A). Many of these symptoms have culturally-bound implications, and considerations of cross-cultural competence have been a key factor in the proper collection of the psychological information provided in this report. The symptoms include severe anxiety and depression, panic attacks, survivor’s guilt, shame and embarrassment, flashbacks, psychosomatic pain, fragmented thinking, social withdrawal, paranoia, hopelessness, and suicidal ideation among other symptoms (Appendix B).

Many of the psychological symptoms mentioned arise from physical harm inflicted during torture and imprisonment. Narratives and findings based on bodily evidence have indicated that refugees have been subjected to such torture as burning, electric shock, beatings to sensitive bodily areas, pulling of nails and teeth, injuries to genitals, rectum, and reproductive organs, bodily injection of unknown substances, sleep deprivation, mock executions, sexual violence, starvation and unsanitary eating conditions (Appendix C).

This population exhibits many signs of somatization of pain, in which the physical pain is a manifestation of the psychological trauma and difficulties that the refugee has endured during their experiences of torture. Trauma of this severity is outside the range of average human experiences and thus results in a fragmented integration of the refugees’ inner dynamics and sense of self. These psychological and physical symptoms interfere with the refugee’s ability to cope and function properly in the host environment, which can result in highly destructive behaviors.

**EFFECT OF REFUGEES’ STAY IN TURKEY ON PRIMARY TRAUMATIZATION AND RETRAUMATIZATION**

Many refugees are still living in a state of great unrest as the looming fear of Iranian agents and officials impede their dreams, thoughts, and actions. Many refugees express being in a constant state of fear. This is detrimental to brain functioning and overall health as the traumatized state causes constant re-living of the traumatic experience, which amplifies PTSD symptoms present. The brain, psyche, and body never experience a state of peace or calm.

Since Iranians come from a collectivist culture, the pain of separation from families is severe. Culturally, many fear repercussions of their families if they contact them back home, so they remain in isolation. This is extremely difficult for refugees, and it is often a main concern and a sorrow that they express. The fact that they do not have the ability to freely be in touch with their families alone can be perceived as torturous. Many are preoccupied with worries of what their families might imagine they are enduring as a result of being refugees. Some are unaware of the whereabouts of family members and fear the potential death or imprisonment of family members, particularly if they come from a political family.

The acculturation to Turkey is highly traumatic in that there is a new language, new surroundings, and new types of people, in addition to the psychological difficulties of having to survive and worry about one’s future and livelihood. Isolation and lack of an adequate support group often causes trauma symptoms post-migration. Loneliness, lack of productivity, and the prospect of an unknown future increase the day-to-day worries of refugees.
This population is also in desperate need of mental health care. Many satellite cities in which the refugees are placed do not have complete health care amenities. Therefore, individuals who live in eastern areas of Turkey, in satellite cities, such as Van and Agri, have to travel 15 hours by bus to go to designated clinics, such as the Chankaya Poly Clinic in Ankara, where psychiatric treatment is comprised mainly of psychopharmacology alone. No psychotherapy is available in the large hospitals. Numerous refugees reported receiving many psychotropic medications. Most of these refugees are not referred to mental health practitioners due to the limited nature of mental health resources. They are seen by general physicians who prescribe drugs to alleviate the symptoms but who do not and/or cannot address the root causes of the refugees’ suffering.

The sole reliance on psychopharmacological treatments has given rise to the serious problem of drug dependency. As a consequence, when pharmaceuticals are low in supply, symptoms of PTSD become amplified, which leads to further suffering for these refugees. Many refugees are also given medications that are contraindicated, and they then require more pharmacological interventions in order to combat the miscellaneous and extemporaneous symptoms resulting from such errors. Many of the culturally bound symptoms of these refugees are misunderstood: Partial diagnoses, such as the diagnosis of depression, are made for individuals who have been tortured and raped and whose symptoms are much more coherent with a diagnosis of PTSD. Improper diagnoses in this population lead to even more inadequate health care.

A number of the refugees also express feeling emotional demoralization due to a lack of financial resources, often as a result of their inability to work to support themselves and to uphold jobs or professions that were once a part of their identities. They feel too ashamed to burden their families, so they may remain silent and do not request financial help. The financial pressure is amplified due to the lack of resources available to cover expenses (e.g., residence fee, basic sustenance, clothing, and shelter). Many report not having proper nutrition and not eating for days at a time because of the financial pressures. Many of the students in this refugee population are inhibited from going to school, or from continuing the course of their studies because they do not have documentation and supporting transcripts.

**EFFECTS OF REFUGEE TRAUMA ON UNHCR PROCESSING AND RESETTLEMENT PROCEDURES**

The mental health of the Iranian refugees has a profound effect on their ability to undergo UNHCR processing. For example, an Iranian refugee, “M,” had such severe trauma after fleeing after the elections that he suffered from severe depression, social isolation, and suicidality. M was assigned a specific satellite city close to the Eastern border upon registration with the local police. The town he lived in was close to the Iranian-Turkish border, and he received harassing phone calls and threats from individuals in Iran who were believed to know his whereabouts in Turkey. In a state of severe traumatic agitation and paranoia, he fled to a satellite city and did not inform the local Turkish police of his location. Refugees are required to report to the local police of the assigned satellite city and did not inform the local Turkish police of his location. Refugees are required to report to the local police of the assigned satellite city and because M fled without notifying the authorities he risks deportation. This demonstrates how psychological and mental health issues can jeopardize access to RSD procedures.
Additionally, refugee trauma impedes the individuals’ ability to engage in the RSD interview. During their RSD interview many refugees experienced a severe recall of their trauma and found it difficult to continue discussion of their narrative. The success of the interview depends on the accurate and consistent recounting of the individual’s narrative. For trauma survivors, especially this population of Iranian refugees, it is often difficult to present a coherent narrative. The refugee might give a fragmented account, cry, withhold information due to embarrassment or fear of disclosure, and/or amplify or malinger at times. Some refugees report being completely “flooded” and “going blank,” having an inability to recall their narratives.

The ability to successfully elicit a refugee’s trauma narrative depends on the interpersonal capacity and training of the RSD officer. It is possible that many of the Iranian cases that have been denied due to fragmented or inconsistent representation of their narrative may very well be due to traumatic recall.

**THE EFFECT OF UNHCR RSD PROCESSING ON THE MENTAL HEALTH OF IRANIAN REFUGEES**

The RSD process can be extremely lengthy as highlighted earlier in the report. In combination with their complex trauma and volatile mental state, the arduous RSD process causes Iranian refugees to become re-traumatized. Most Iranian refugees observed have had an extremely difficult time coping and adapting to the unknown of the post-migration experience. Refugees find themselves in new surroundings with a foreign culture and do not have any information about their future. The RSD process is one of greatest daily stressors in the lives of this specific group of refugees. In addition, the host of daily stressors become amplified due to the delays in RSD processing, including their lack of employment, isolation from family and friends, inability to return to their home country, poor economic, housing and basic sustenance conditions, language and cultural barriers, acculturative trauma, social alienation, and lack of trust among peers. These factors along with their traumatic narrative make the unanswered lengthy unknown of the RSD results practically unbearable. It was observed among the refugees interviewed that the long wait times and lack of information and correspondence from UNHRC were of the most important concern. Some refugees also reported experiencing re-traumatizing RSD interviews in which they felt as though they were being aggressively interrogated. Iranian refugees’ hope and sense of survival is directly connected to their acceptance from UNHCR. The length of the RSD process therefore exacerbates Iranian refugees’ hardships in Turkey and causes the recapitulation of their traumatic symptoms.

**RESETTLEMENT IN THIRD COUNTRIES AND OTHER POTENTIAL ROUTES TO SAFETY: INCREASED REFUGEE QUOTAS, TEMPORARY VISAS, AND OTHER EMERGENCY-BASED ADMISSIONS**

**Increased Refugee Quotas**

Approximately 5% of the world’s 10 million refugees are in need of resettlement. Only a small number of these refugees are effectively resettled to safe third countries. For example, in 2009 UNHCR referred 128,000 individuals for resettlement but only 84,000 refugees were resettled in 26 countries. In 2009 European countries resettled 6,800 compared to 62,000 accepted by the United States. Thus the global humanitarian response to the needs of refugees has proven to be grossly inadequate and refugee communities worldwide are severely underserved.

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72 Id.
It is estimated that on average only 20% of all refugees in Turkey are ever resettled in third countries. In 2009, 6,072 total refugees of all nationalities were resettled out of Turkey. In 2009, the U.S. resettled 4,991 refugees from Turkey, whereas European countries resettled 168. Australia resettled 411, and Canada resettled 502, and Sweden resettled 68 (see Table F). In 2010 Norway has agreed to resettle 150 Iranians. The U.S. is currently admitting an average of 348 Iranian refugees per month, the vast majority of which are religious minorities, who are given primacy pursuant to current refugee priority categories. As of April 31, 2010, the U.S. has admitted a total of 2,438 Iranian refugees since the start of 2010 fiscal year in October.

Only a small number of third countries run specific resettlement programs in cooperation with UNHCR. The largest programs are run by the United States, Canada and Australia who together will provide 90% of all resettlement opportunities in 2010.

In 2009, 8% of the worldwide refugees were resettled by all European countries combined. Starting January 1, 2010, Spain joined twelve other European countries: Czech, Denmark, Finland, France, Iceland, Ireland, the Netherlands, Norway, Portugal, Romania, Sweden and the UK (an independent program called the Gateway Protection Programme) which have annual resettlement programs. Last year Belgium, France, Germany, Italy and Luxembourg also implemented ad hoc resettlement programs. To assuage this gaping disparity in refugee acceptance numbers, the European Commission announced in September 2009 its plan to adopt a new Joint EU Resettlement Programme. The voluntary scheme involves EU member states adopting a unified approach to resettlement. The new program includes recommendations for the creation of permanent unit within the European Commission and an increase in financial support for resettlement.

In 2009, 11,500 Iranian asylum-seekers lodged applications in 44 industrialized countries. Iran ranked 8th among the top ten countries of origin of asylum-seekers in those countries, reflecting a 7% increase from 2008. While many countries accept asylum applications from individuals entering their borders, it is essential to increase refugee quotas globally to protect those refugees who do not have the means to travel to safe third countries on their own.

### VISAS AND EMERGENCY-BASED ADMISSIONS

The Delegation learned through meetings with seven embassies in Turkey that, in the absence of a unified approach, countries are utilizing existing national procedures to accept vulnerable refugees. Some

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**Table E: U.S. Iranian Refugee Admissions from October to April 2010**

<table>
<thead>
<tr>
<th>FISCAL YEAR 2010</th>
<th>Refugee Admissions Ceiling</th>
<th>FY Total Admitted to the U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Near East / South Asia</td>
<td>35,000</td>
<td>27,715</td>
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<tr>
<td>Iran</td>
<td>2,438</td>
<td>231</td>
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74 IOM Turkey, http://www.turkey.iom.int/operations.htm
75 Meeting with UNHCR Directors, Ankara, Turkey, March 30, 2010.
77 President Obama authorized the admission of up to 80,000 refugees in fiscal year 2010. The regional breakdown of these authorized refugee admissions is as follows: Africa - 15,500; East Asia - 17,000; Europe/Central Asia - 2,500; Latin America/Caribbean - 5,000; Near East/South Asia - 35,000; and Unallocated Reserve - 5,000. “President Obama Signs Presidential Determination Authorizing up to 80,000 Refugee Admissions in Fiscal Year 2010,” The White House Office of the Press Secretary, September 30, 2009 (available at: http://www.whitehouse.gov/the_press_office/President-Obama-sings-Presidential-Determination-Authorizing-up-to-80000-Refugee-Admissions-in-Fiscal-Year-2010).
79 “UNHCR welcomes establishment of Spain’s resettlement programme.” UNHCR Briefing Notes, February 2, 2010 (available at: http://www.unhcr.org/4b681a469.html).
80 “UNHCR and partners lobby for joint European resettlement scheme,” supra.
countries, such as Switzerland and the Netherlands, offer the direct filing of asylum applications at its embassy in Ankara. The Delegation inquired about this option with the Spanish Embassy however received no dispositive answer. The Canadian and U.S. Embassies reported that the direct filing of asylum applications was not practiced for Iranian refugees although it is a procedural option under U.S. law.

The German Embassy shared its plan to work with UNHCR to admit refugees on a dossier basis outside of the normal refugee processing scheme. Through this procedure Germany can issue Schengen visas on the basis of the information provided in a refugee’s file rather than undergoing lengthier interviews and admissions procedures. This option allows refugees to swiftly relocate to a secure third country and gain permanent residency once in Germany. German officials expressed an interest in meeting with other EU nations to propose that they implement similar policies. However as of the date of this report, Germany has not yet moved any post-June 12th Iranian refugees out of Turkey through this process. It is crucial that other countries share best practices on dossier selection to provide greater capacity to meet protection needs as they arise globally.

Internal UNHCR referrals, resettlement programs, and dossier selection of internally and externally referred cases provide viable options for resettlement to third countries for Iranian refugees and asylum-seekers. Ad hoc efforts, such as temporary admission for particularly vulnerable individuals are also options. For example, Reporters sans Frontières, an international NGO, successfully advocated for the temporary admission to France of 30-35 journalists. This procedure acknowledges that an individual may possess a “dual intent”: i.e., a short-term intention to return to Iran as well as a long-term intention to seek asylum based on the objectives conditions in Iran. Similar considerations should be given to “starred” students, cultural workers and others. The use of “humanitarian parole” by third countries offers another alternative for admission of vulnerable refugees.

The limitations of existing third country resettlement options call for all States to uphold their responsibilities under international refugee law by jointly ex-

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<tr>
<td>Total</td>
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<td>203</td>
<td>112</td>
<td>250</td>
<td>168</td>
<td>975</td>
</tr>
</tbody>
</table>

*Finland, Belgium, Denmark, France, Sweden, Switzerland, UK, Netherlands, Norway and Ireland.

Source: http://www.turkey.iom.int/operations.htm
amining the worldwide refugee crisis with the goal of making resettlement a reality rather than a myth.

**CASE PROFILES**

The following case profiles are representative of the fourth wave of emigration from Iran beginning in mid-June 2009:

**Mr. A** was a young architect who was shot in a demonstration following the June 12th election. The bullet which entered through his back and traveled through his neck was not removed until he arrived in Turkey two months later. When he was in the hospital in Turkey, Iranian officials questioned him, called him a traitor and told him to return to Iran. He waited four months for his UNHCR RSD interview and waited another four months for a decision on his case. He needs physical therapy, a perhaps further surgery, because he has not regained full use of his arm and shoulder.

**Ms. B** was a female musician with members of her family. She fled after her music school was attacked by agents of regime. She and her family have been threatened and intimidated by the regime. Their institute was ransacked and all their instruments were destroyed because they composed and performed traditional music pieces honoring the Green Movement and its symbols, Neda and Sohrab. Ms. B has also been active in the One Million Signature Campaign in Iran. Ms. B waited over five months for her UNHCR RSD interview and has been waiting three months for a decision.

**Mr. C**, who was accompanied by wife and toddler, was drawn into pre-election campaign activities by his well-known relative who is a supporter of Mr. Mousavi. He actively distributed campaign materials and passed information to the movement inside Iran. Mr. C and Mrs. C both actively participated in post-election protests demanding that their votes be counted. Pro-government neighbors became aware of his activities and informed the security forces who attempted to arrest Mr. C at his home. Mr. C, who was not at home, fled from Tehran and waited for his wife to join him before they fled together to Turkey with their two year old son. Mrs. C’s wife was able to escape because her father, a decorated veteran of the Iran-Iraq war, helped her to obtain a passport and to join her husband. They were terrified during their UNHCR interview, accused of lying and were not given a fair opportunity to articulate their claim. Their case has been DENIED by UNHCR and they are at risk of being deported to Iran.

**Mr. D** was a professor and writer who was jailed and very severely tortured in 2007 on account of his writings and activities in an independent cultural organization. Arrested and tortured again in 2008 and jailed in Evin’s infamous 209 Unit. He fled Iran in July 2009 after Iranian authorities attempted to arrest him again following the June 12th protests. On account of the severe torture he has serious chronic pain and nervous system problems. He is in immediately need of medical attention because his symptoms have escalated in Turkey. He fled to Turkey with his wife and daughter. His daughter is having psychological problems on account of the displacement. Mr. D waited almost five months to for his UNHCR RSD interview.

**Mr. E**, former fourth-year student at Amir Kabir University, had a history of dissident political activities in Iran. He was first arrested in 2006 in student protests against the Iranian government. He was detained two days and released upon signing a promise agreeing to refrain from future po-
Prior to the June 12th presidential elections, Mr. A was actively involved in distributing propaganda materials and was responsible for passing information about the pre-election environment in Iran to political groups abroad. Mr. A organized and participated in post-election demonstrations where several of his friends were arrested. He believes that his friends, under pressure during interrogation, provided the Iranian authorities with information about him because security agents raided the home of his family at 5:00 AM, confiscated his computer and filmed the inside of the home. He has been waiting almost six months for an RSD decision.

Mr. F was a student barred from continuing his university education due to his activism, also known as a “starred student.” Having already been arrested and beaten for previous activism, Mr. F decided not to participate in the activities and mass demonstrations surrounding the June 12th presidential election. Nevertheless Mr. F was arrested approximately one month after the election. He was subjected to grueling interrogations during which he was asked about his Facebook, Twitter and other Internet activities and passwords and IDs. Mr. F was sodomized, his fingers were broken and cut, and his head was split open. He was subjected to mock execution and a false confession was set on fire in his hand when he refused to sign it. In a life-threatening medical state Mr. F was eventually transferred to the hospital in Evin Prison where a physical exam authorized his temporary release to seek treatment. Although his case was accelerated, Mr. F waited three and a half months to be referred to a third country for resettlement.
RECOMMENDATIONS

UNHCR

• Allocate resources to immediately recruit from International Rescue Committee or other source trained RSD eligibility officers and RSD review officers to bring the practices of UNHCR into compliance with regard to the issuance of decisions within one month of interviews according to UNHCR Procedural Standards.

• Request additional funding from UNHCR specifically for the purpose of building capacity to insure compliance with Procedural Guidelines and resettlement processing deadlines.

• Adopt procedural timeline standards for third country referral and resettlement processing. Identify accredited NGOs to conduct pre-interview counseling to broaden the availability of legal support and to improve the existing procedures for identifying asylum-seekers in need of accelerated processing.

• Provide denied applicants and their legal advocates more detailed explanations for negative decisions and access to interview transcripts.

• Increase referral capacity and the ability to meet resettlement needs of Iranian refugees in Turkey by expanding opportunities for accredited NGO referrals.

• Establish a program with the International Association of Iranian Mental Health (IAIMH) and other partners to conduct ongoing trainings to improve the ability of UNHCR to identify trauma and avoid its reoccurrence during RSD interviews.

• Invite Amnesty International, Human Rights Watch and the International Campaign for Human Rights in Iran to conduct periodic workshops to provide ongoing Country of Origin information.

• Increase periodic review and monitoring of the quality of RSD interviews and interpretations or translations in UNHCR’s offices in Turkey, especially with regard to the creation of an environment of trust and respect, accuracy of information collected, the fitness of the applicant throughout the duration of the interview, and unnecessarily prolonged interview lengths.

• Require RSD officers to participate in stress management classes.

• Implementation and monitoring of a “First In, First Out” system to allow applicants and advocates to track status of both accelerated and non-accelerated cases, and notification to applicants of rescheduled RSD decision dates as required by RSD Procedural Standards.

• Improve UNHCR Results website by adding a Processing Timeline and description of each phase of processing.

• Continue UNHCR seminars on refugee law for Turkish officials to improve understanding of issues facing asylum-seekers and incorporate recommendations of mental health specialists.

• Improve procedures for scheduling and rescheduling RSD interviews, taking into consideration applicants’ distance of travel to UNHCR offices, shelter for the duration of their stay, and adequate preparation time for the interview.

STATES

• Allocate additional funding to UNHCR Turkey to increase its refugee processing capacity prior to 2012.

• Increase or adopt annual refugee admissions quotas.

• Implement without further delay Joint European Resettlement scheme and increase the number of refugees admitted through and outside of the UNHCR processing system.

• Expand, continue, and share best practices on dossier selection to meet protection needs as they arise globally.

• Favorably exercise discretion in temporarily ad-
mitting Iranians including those labeled “starred students,” journalists, academics and cultural workers.

- Designate a special refugee admissions category for the recognition of Iranian human rights defenders consisting of student activists, journalists, cultural workers, women’s activists, labor organizers and lawyers as refugees.
- Expand humanitarian parole procedures for the expeditious admission of vulnerable refugees.
- Implement or expand procedures for acceptance of asylum applications at embassies.
- Identify and collaborate with community, grassroots NGOs to match refugees with community resources and anchors to share resettlement replacement burdens.

THE MINISTRY OF THE INTERIOR AND POLICE IN SATELLITE CITIES

- Conduct trainings for domestic authorities to facilitate improved relations between domestic authorities and the Iranian and other asylum-seeker communities, specifically regarding distrust between asylum-seeker communities and local police, lack of cultural awareness, language barriers, and concerns about immigration status and fear of deportation.
- Ensure that domestic authorities inform all asylum-seekers and refugees of their reinforced right to a waiver of the residence fee as per the new March 2010 Circular. Provide clear guidelines to all domestic authorities outlining the eligibility criteria for the waiver. Ensure the policy is uniformly enforced in all satellite cities such that all individuals who qualify for the waiver are granted the exemption.
- Cease to require asylum-seekers and refugees to sign in with the police Foreigner’s Section on a daily or weekly basis.
- Cease to require that asylum-seekers and refugees obtain permission to travel outside their satellite city.
- Continue to assign Iranian asylum-seekers to satellite cities that are located within the interior of Turkey rather than near the border with Iran.
- Broadly interpret employment authorization provisions and allow for waivers of associated fees to ensure that a majority of asylum-seekers are able to obtain employment authorization.
- Provide all asylum-seekers free access to social, medical and mental health services, including medication and other associated costs.
- Ensure that all irregular migrants are provided access to asylum-seeker and UNHCR processing procedures.
Appendix A

PSYCHOLOGY DEFINITIONS

Complex trauma: Long term exposure to severely adverse circumstances. Complex psychological trauma represents extreme forms of traumatic stressors due to their nature and timing: In addition to often being life threatening or physically violating, terrifying, or horrifying, these experiences are typically chronic rather than one-time or limited, and they compromise the individual’s personality development and basic trust in primary relationships. (*DSM-IV-TR*, 2000, text revision)

Cultural Competence: Clinicians and practitioners who work with cross-cultural populations need to have an understanding of culturally-bound norms, dominant practices and beliefs of individuals who come from different cultural and ethnic backgrounds. The ability to do this is referred to as cross-cultural competence. Cross cultural competence enables a practitioner to work in cross-cultural situations due to their understanding of culturally bound syndromes, sensitivity to cultural norms, values and mores. When working with trauma, such workers need an understanding of the conceptual cultural framework that informs and individual’s identity, sense of self, worldview and way of relating to the world (Courtier, 2009).
Appendix B

CULTURALLY BOUND SYMPTOMS OF PTSD AMONG IRANIAN REFUGEES

- Severe depression
- Shame and embarrassment
- Severe anxiety
- Panic attacks
- Sleep interruption (especially nightmares and insomnia due to flashbacks)
- Survivor’s guilt
- Loss of self-esteem
- Lack of trust (e.g., of fellow refugees and peers, particularly of those seen as authority figures, such as UNHCR, doctors, and Turkish population)
- Severe memory and concentration problems
- Intrusive thoughts and flashbacks
- Short attention span
- Fragmented thinking
- Severe suicidal ideation in which extensive plans have been devised
- Flashbacks
- Nightmares
- Hallucinations
- Temporary loss of speech
- Social withdrawal (due to fear of death from agents of home country as a result of political activities, lack of trust of other refugees, or inability to relate to Turkish counterparts as a result of language and cultural barriers)
- Isolation
- Paranoia (e.g., false fantasies of being followed by Iranian agents)
- Difficulties in social functioning and relationships
- Feelings of alienation
- Psychosomatic pain and reoccurring symptoms (e.g., migraines, general bodily fatigue, or pain in muscles and joints)
- Chronic pain and bodily aches from torture
- Manic behavior
- Impulsive and attention-seeking behaviors (e.g., behaving as if on drugs, randomly screaming in the street)
- Hearing of voices
- Psychotic delusions
- Hopelessness
- Lack of motivation and desire to attend to day-to-day tasks
- Avoidant behavior
- Emotional exhaustion (e.g., often feeling severely tired and fed-up)
- Substance abuse (e.g., excessive cigarette smoking and drinking)
Appendix C

EVIDENCE AND DESCRIPTION OF TORTURE OF IRANIAN REFUGEE POPULATION

- Sensory and sleep deprivation, sometimes through use of water and through physical beatings
- Sensory traumatization and conditioning (e.g., speakers or gadgets that emit sounds of screams) placed behind cell door
- Bodily injection of unknown substances and of potentially psychotropic or sedative drugs
- Electric shocks
- Burning (e.g., cigarette burns, fire)
- Mutilation (e.g., removing of body parts such as fingers and toes)
- Debilitating verbal and psychological abuse through ridicule and humiliation
- Isolation and solitary confinement
- Beatings to the body, particularly to sensitive bodily areas (e.g., kidneys, liver, and head), with metal chains, wooden clubs, or other objects. Beatings may be so severe that breaking of body parts may occur (e.g., nose, arms, jaw, and ribs).
- Pulling of fingernails and toenails
- Pulling of teeth
- Injuries to teeth, ears, and eyes; to genitals, rectum, and reproductive organs (e.g., through sodomy using objects, or through tearing due to violent rape); or to urinary tract (e.g., from not being allowed to go to the bathroom as needed, but only during certain times of the day)
- Sexual violence (e.g., sodomy using objects, rape)
- Starvation
- Exposure to heat and cold
- Sham or mock execution (e.g., keeping a prisoner in a constant state of arousal and fear). One refugee described it as the following:

“They put a sack around my head and had me stand on a small bucket. They put a noose on my neck and threatened to constantly kick in the bucket, but wouldn’t . . . many times making startling noises . . . it was so frightening and terrifying, I cannot describe it. My fear was so severe, I lost control of some of my bodily functions [referral to excrement], and they continued to severely insult me and humiliate me when this happened.”

- Near fatal immersion in water and/or suffocation
- Being forced to maintain crippling positions for extended periods of time
- Having to sign false and forced confessions under intense interrogation, often followed by torture (several narrative accounts suggest torture conducted in a slow or painful fashion, such as pulling of fingernails or teeth)
- Being forced to watch or witnessing others being raped, killed and or brutalized
- Unsanitary eating conditions (e.g., food and water served from small basin in which prisoner has been forced to release bodily fluids and excrement)
- Placing dirty objects inside sensitive body parts, such as ears and mouth, damaging these areas (one refugee described a small mop used to clean bathrooms being shoved in his mouth to choke him and jerked inside his mouth so severely that it damaged and knocked out many of his teeth)
Appendix D

METHODOLOGY AND ETHICAL STANDARDS UTILIZED IN PSYCHOLOGICAL OBSERVATION AND FIELD REPORTING

- Confidentiality was addressed.
- Consent given (verbal) was required to be voluntary this was addressed with care as many refugees were afraid to give written consent.
- Interviewers were cross culturally competent. Many were native speakers and linguistically fluent.
- Women interviewers are often better with victims of sexual violence and women interviewers were available to speak to refugees.
- Refugees were asked to recount their stories at their own pace. The rhythm is very telling of their experience.
- Victims of trauma have different types of recall so the team was aware of the danger of secondary traumatization of the refugees interviewed.
- Interviewers maintained awareness of the fact that the refugees may not differentiate between the facts they perceived themselves and those that they had been told by others.
- Data storage is vital and was regarded.
- The research team was prepared for the difficulty of the project, but was not aware of what could specifically arise during the field study.