

Afghan Children's Access to Education in Iran

What happened after the Supreme Leader's Decree?

Introduction

Education is a top priority for refugee communities across the world¹. Many states hosting refugees (commonly known as host countries) facilitate a range of provisions for the education of refugee children.

The Islamic Republic of Iran has been hosting Afghan refugees for close to four decades. Many Afghan children residing in the country² have faced challenges and barriers to access the Iranian education system. The Iranian Government estimates that around 1.5 to 2 million undocumented Afghans reside in the country. Although their stay in the country is considered illegal by the Iranian Government, many families are largely tolerated. Following a decree by the Iranian Supreme Leader in May 2015, which indicated that all Afghan children should have access to public education regardless of their legal status, the Government has started the gradual registration of undocumented children³. As a result of the decree, some 48,000 new children were enrolled in school during the past academic year.

¹Norwegian Refugee Council & Save the Children, "Hear it from the Children: Why Education in Emergencies is Critical", 2014.

²In Iran, Afghans are either Amayesh card holders, visa holders or undocumented. From legal perspective, the Amayesh card is a temporary residence card that effectively serves as a refugee identification document; allowing the cardholder to remain in the country and have access to certain benefits. Although almost none of the Amayesh card holders (now more than 951,142 individuals) underwent individualized refugee status determinations (RSD) by the Iranian government, with some officials insisting that they are not officially determined refugees under Iranian law, they are treated by Iran's official Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), as de facto refugees. They are also recognized by UNHCR as refugees under the definition of the 1951 Refugee Convention. According to government population figures, Iran also is hosting about 620,000 visa holders who may be former Amayesh holders; those who decided to return their Amayesh cards and obtain Iranian visa or former undocumented Afghans that were registered in comprehensive regulation plan. Besides from the two mentioned groups, there are some 1.5 to 2 million Afghans not registered as refugees live and work in Iran. Together, with the registered refugee population, an estimated total of between 3 and 3.5 million Afghans reside and live in Iran.

³Children born to undocumented parents frequently inherit undocumented status in Iran.

The following research paper seeks to thoroughly investigate various aspects of the decree, illustrate the Afghan children's post-decree educational status, and provide recommendations for the further strengthening and improvement of the right to education for all Afghan children across Iran.

Timeline

In the first year of the second term of President Khatami's administration (on January 02, 2002), a directive was ratified by the Council of Ministers on the issue of Afghans access to education. The directive was considered a rather progressive move for its time. It allowed the Ministry of Education (MoE) to enrol Afghan children – regardless of their legal status in the country. Ten billion Rials, more than 1 Million dollars, was allocated for those deprived of education. Women and children were particular targets of this move.

Less than three years later (on August 24, 2004), another directive was ratified by the Ministers in the Executive Coordination Council for Foreign Nationals. The directive placed many obstacles to the access of Afghan children to education in Iranian schools; it banned enrolment of undocumented foreign nationals under any circumstances; allowed the MoE to receive fees from Afghan refugee children; allowed 'outstanding government schools' to receive full tuition fees. The directive further banned Afghan students from enrolling in pre-university centres, first years of vocational schools, as well as boarding schools. The former meant that Afghans could not apply for nation-wide university entrance examinations after completing primary, secondary and even high school education as the active regulation of the time required completion of pre-university courses to allow university admission. It was after the ratification that private schools were also banned from engagement - a move which led to a marked increase in the number of child labour cases on the streets, according to experts.⁴

On May 17, 2015, the Iranian Supreme Leader's decree was made public, [indicating that](#): "No Afghan child, even those who illegally live in Iran without documentation, should be deprived of education. They should all be enrolled in Iranian schools."⁵

However, according to [Tasnim News Agency](#), the said decree had actually been issued several months before but was not publicized for several reasons, including concerns around how to overcome inbuilt institutional discrimination toward Afghans amongst officials. The Supreme Leader's decision came as a sequel to [remarks](#) made by his predecessor's (Ayatollah Khomeini) in 1982: "We are Muslims, they are Muslims too. We should welcome them, offer them services."

After the 2015 Supreme Leader's decree was publicized, and motivated by the positive atmosphere it had created, NGOs entered in negotiations with the concerned Ministries; namely the Interior and Education ministries. These negotiations were largely an effort to nullify the 2004 directive and ratify a new one, with a stronger emphasis on the Supreme Leader's decree. This new directive was then ratified by the Council of Ministers on April 20 2016, nullifying the 2004 directive while incorporating new articles that paved the way for the access to education of Afghan children. Importantly, these articles included:

⁴ Interview with CEO of "Association for protection of refugee women and children: HAMI", Fatemeh Ashrafi, Conducted in December, 2016.

⁵ What is mentioned in the directive is "special educational support card" - in practice undocumented children received blue cards.

⁶ According to the Article 2 of the directive, the registration of children of foreign nationals (primary to high school) is the same as Iranian students. This could be interpreted that the education of Afghan children is free of charge just like their Iranian peers. However, note that there is no explicit reference to the provision of free education for foreign children.

- Creation of a new special educational support card for undocumented Afghan children who are of the right age to enter into the formal education system;⁵
- Recognition of NGOs involved in the education of Afghan children;
- Nullifying articles concerning tuition fees. The directive, however, does not mention that Afghan children have access to free education;⁶
- Permission for all Afghan students to enrol in elementary and secondary level education up to, and including, secondary school diploma;
- Permission for Afghan students to enrol in all schools - including outstanding schools and schools dedicated to children of martyrs and war veterans.

In 2015 and after the Supreme Leader’s decree, a five-day deadline was announced for undocumented Afghan children to obtain their “blue cards” and/or introduction letters issued by Kefalat offices (public service offices operating under the supervision of BAFIA). Later, undocumented children were introduced to healthcare centres for immunization, screening, and vaccination.

In a later move, BAFIA published an internal directive clarifying that all undocumented Afghans whose children are enrolled in school are safe from deportation. Based on figures reported by the MoE, 360,000 Afghan children were studying in Iran’s primary and secondary schools during the 2015-2016 academic year. After the Supreme Leader’s decree, an estimated 48,000 undocumented children gained access to public schools, which makes for a total of 408,000 students.⁶

The Supreme Leader’s decree (supported in practice with the 2016 directive) removes theoretically all legal barriers to Afghan children’s right to education. Prior to that, the relevant laws did not officially recognize the right as such, and in some instances hindered its realization; in particular, when considering undocumented Afghan children. This new legal situation provides opportunities and legal backing for the realization of the right to safe and affordable schooling for Afghan Children, regardless of documentation status.

However, some non-legal barriers (political, administrative, economical, physical) do remain, which obstruct the full and effective realization of this right across Iran. These barriers are briefly studied in the following sections.

Challenges

Despite the issuance of the Supreme Leader Decree, here are the remaining barriers for all Afghan children to have access to quality education:

Political and education policy barriers	<ul style="list-style-type: none"> • All government institutions in the Islamic Republic of Iran are obliged to enact the Supreme Leader’s decree, however, in the months between the Supreme Leader’s decree (2015) and the ratification of the new directive (2016), many governmental bodies still cited the directive passed in 2004. • The current directives from the decree have not being fully understood by the implementers at provincial and schools level. • Discrepancies in the roll-out and in implementation of the directive depending of the provinces -in Kerman for instance, the BAFIA issued a specific provincial circular stating that Afghan families must pay “contribution fees” to access primary public education. • Lack of information about the enrolment process in public schools, especially the enrolment’s limited timeframe (5 days in July 2016) and administrative requirements.
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⁶ <http://www.unhcr.org/en-us/excom/announce/57f786fa7/statement-of-iran.html?query=Iran%20statement>

Financial and socio-economic barriers	<p>Major barriers are of financial nature, on one hand the MoE has not the budget to cover all public schools running costs, on the other hand vulnerable Afghan families cannot afford the cost related to accessing public education (e.g. insurance; uniforms; contribution to school cost; health tests; etc.)</p> <p>Limited MoE budget</p> <ul style="list-style-type: none"> • The Budget for the MoE in the current Persian calendar year (2016-2017) was approximately 28 trillion Toman (roughly \$7b).⁷ • According to the MoE, 99% of its budget is used to pay staff' salaries⁸. • The remaining 1% is spent on other expenditures, including per capita student costs. • Average per capita costs for each student (Iranian/non-Iranian) in government schools is between 2 to 2.2 million Toman (approximately \$500) per year. • Given the number of foreign students in the 2016-2017 school year, i.e. more than 400,000, the schooling of Afghan students costs about 850 billion Toman (\$212,500,000) per year⁹; • In order to compensate the MoE's budget deficit, school "contribution" fees are requested from all students, including Afghans. <p>Afghan students' challenges</p> <ul style="list-style-type: none"> • Transportation cost • School "contribution" fees • Books and uniforms Afghans are required to get to enrol in schools ¹⁰ • Child labourers who cannot adapt their working hours to attend school.
Physical barriers	<ul style="list-style-type: none"> • MoE schools lack of intake capacity to enrol additional Afghan children. • High number of overaged Afghan children who cannot directly be enrolled in public schools. • No access to pre-school for Afghan children, leading in major gaps in cognitive skills between Iranian and Afghan children.
Legal and protection issues	<ul style="list-style-type: none"> • Lack of information for undocumented Afghan families about the possibility for them to enrol their children and the procedure to do so. • Lack of civil documentation such as <i>tazkera</i> or inaccurate documentations such as expired visas (e.g. children from mixed marriages)¹¹. • Early marriages of Afghan girls.

⁷ <http://www.farsnews.com/newstext.php?nn=13941027000869>

⁸ <http://www.yjc.ir/fa/news/5705441/99-%D8%AF%D8%B1%D8%B5%D8%AF-%D8%A8%D9%88%D8%AF%D8%AC%D9%87-%D8%A2%D9%85%D9%88%D8%B2%D8%B4-%D9%88-%D9%BE%D8%B1%D9%88%D8%B1%D8%B4-%D8%A8%D9%87-%D8%AD%D9%82%D9%88%D9%82-%D9%85%D8%B9%D9%84%D9%85%D8%A7%D9%86-%D8%A7%D8%AE%D8%AA%D8%B5%D8%A7%D8%B5-%D8%AF%D8%A7%D8%B1%D8%AF>

⁹ <http://www.yjc.ir/fa/news/5702475/%D8%AE%D8%A7%D9%86%D9%88%D8%A7%D8%AF%D9%87%E2%80%8C%D9%87%D8%A7%D8%8C-%D8%A7%D9%81%D8%BA%D8%A7%D9%86%D8%B3%D8%AA%D8%A7%D9%86%DB%8C-%D9%81%D8%A7%D9%82%D8%AF-%D9%85%D8%AF%D8%B1%DA%A9-%D8%A8%D9%87-%D8%AF%D9%81%D8%A7%D8%AA%D8%B1-%DA%A9%D9%81%D8%A7%D9%84%D8%AA-%D9%85%D8%B1%D8%A7%D8%AC%D8%B9%D9%87-%DA%A9%D9%86%D9%86%D8%AF>

¹⁰ According to an official statement by the Deputy Education Minister for International Affairs and Schools Abroad.

¹¹ On January, 28th BAFIA announced "Identification and profiling of undocumented Afghans". The following categories of foreign nationals are eligible to register for 'Head count' from now on:

1. Families of undocumented Afghan students who have obtained blue cards during this school year or the last school year (Deadline of registration: Feb 18, 2017);
2. Families with invalid or expired documents (Deadline of registration: Feb 28, 2017);
3. Undocumented Afghans who married Iranian nationals (Deadline of registration: Feb 18, 2017).

Education system barriers	<ul style="list-style-type: none"> • Lack of access to technical and vocational trainings in secondary schools. • Lack of homework support for Afghan children especially in families with illiterate parents. • Lack of access to professional social workers in school who are familiar with Afghan community culture and traditions. • Iranian teachers have no sufficient training to deal with education and psycho social needs of Afghan children.
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Recommendations

1. Set up of proper mechanism to identify and map the situation of documented and undocumented Afghan children and youth. This is a pre-condition to ensure the full implementation of the decree.

To the Government of Islamic Republic of Iran:

- Set up a committee with a wide range of relevant education stakeholders: governmental bodies; academics; national NGOs and international organisations, in line with the Art.1 paragraph.2 of 2016 directive.
- Provide due permissions and facilitate direct engagement of local NGOs and international organisations with the Afghan population.
- Allow independent field analysis work, such as mapping, assessment and base lines to take place.

To the international community (Donors, I/NGOs, UN):

- Provide financial and technical assistance to undertake mapping exercises.
- Undertake professional mapping exercises using scientific endorsed methodologies both, independently and in close collaboration with the Government of Iran.

2. Streamline the decree and directive provisions that allow all Afghan children, regardless of their legal status, to access quality education.

To the Government of Islamic Republic of Iran:

- Inform relevant school personnel on the implementation of the decree and directive to avoid rejection of Afghan children, regardless of their legal status, in public schools due to confusion or misinterpretation of the legislation.
- Consider exempting vulnerable children from the contribution fees to schools in order to enable the implementation of the decree and directive – as these fees can prevent vulnerable children from accessing schools.

To the international community (Donors, I/NGOs, UN):

- Provide necessary technical expertise in implementation of education policy related to protected displacement situations.
- Provide financial and technical support to public schools to cope with the new caseload of undocumented Afghan children – including to partly compensate the lifting of contribution fees for vulnerable children.

3. Develop and implement an efficient outreach registration process to ensure that the target group is well informed and can exercise its right to access education.

To the Government of Islamic Republic of Iran:

- Set up and implement registration process modalities to facilitate the registration of undocumented children; especially by providing a sufficient registration timeframe.
- Provide the target group with detailed and clear information regarding its right to access to free primary and secondary education, as well as the registration process. This can be conducted through Afghan focal points, I/NGOs or UN agencies.

To the international community (Donors, I/NGOs, UN agencies):

- Support, both financially and technically, the development and implementation of the registration process and outreach plan.

4. Facilitate the set-up of programmes that provide opportunity for out-of-school children and youth, especially undocumented ones, to access formal quality education.

To the Government of Islamic Republic of Iran:

- Reduce policy hindrances that prevent access to education, with specific focus on non-formal education (NFE) provision and Accelerated Learning programmes (ALP).
- Consider endorsement and accreditation of non-formal education (NFE) and Accelerated Learning programme (ALP) implemented by national NGOs, in line with Art1. Paragraph 2 of the 2016 directive.

To the international community (Donors, I/NGOs, UN):

- Increase funding provision to both I/NGOs and Gol MoE to set up alternative education programmes.
- Provide through I/NGOs technical and financial support to MoE Iran to set up ALP and NFE.

5. Facilitate the integration of undocumented Afghan children in public schools, by strengthening the professional capacity of education staff.

To the Government of Islamic Republic of Iran:

- Allow Afghans to become professional teachers and education staff (e.g. para-teachers, classrooms aids and social workers).
- Include psychosocial support and social cohesion in the official MoE curriculum.

To the international community (Donors, I/NGOs, UN):

- Increase donor's support in the recruitment, professional development and accreditation of teachers, including female teachers.
- Provide professional development to Afghans to perform within the education system, more specifically within schools and classrooms as teachers, para-teachers, classrooms aids and social workers.
- Mainstream and include psychosocial and social work components in all teachers and non-teaching staff professional development.