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Guidance note

GUIDANCE NOTE
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The guidance note on Iran is produced by the European Union Agency for Asylum (EUAA) together with EU+ countries[3] in accordance with Article 11 of the EUAA Regulation[4]. It is based on and summarises the conclusions of the comprehensive common analysis. The aim of the guidance note and the common analysis is to assist EU+ countries in the examination of applications for international protection, thereby fostering convergence of asylum practices and decisions across the EU.

The guidance note is part of the 'Country Guidance: Iran' and should be read in conjunction with the Common analysis.

In light of the willingness and capabilities of the Iranian authorities to track and monitor activities of Iranian nationals abroad, the conclusions of the common analysis should also be considered generally applicable for ***sur place* activities**[5].

The Iranian authorities are the main actor of persecution or serious harm in the country. In addition, a number of other actors are also to be considered as actors of persecution or serious harm such as the society at large, communities, and family members.

Among the most commonly encountered profiles of applicants for international protection, the following would be **highly likely to qualify for refugee status:**

- Members and sympathisers of opposition parties and movements seen by the Iranian authorities as advocating for a regime change, including monarchists and separatists
- Human rights defenders, activists and lawyers
- Journalists and other media workers dealing with anti-regime topics or perceived as such by the Iranian authorities
- Individuals perceived by the Iranian authorities as encouraging desertion
- Individuals perceived to have committed blasphemy and/or apostasy, including converts

- Individuals perceived to have committed any of the acts punishable under hadd punishments
- Christians frequenting house churches and Christian proselytisers
- Persons with diverse SOGIESC (also referred to as LGBTIQ persons)

Further guidance is provided on the **risk-impacting circumstances** which may affect the probability of granting refugee status for the following profiles:

- Members and sympathisers of opposition parties and movements seen as critical by the Iranian authorities while respecting the foundations of the Islamic Republic
- Protesters and their family members
- Journalists and media workers (perceived as) critical of the Iranian authorities while respecting the foundations of the Islamic Republic
- Deserters from armed forces
- Atheists
- Individuals perceived to have transgressed Islamic norms or laws when considered to have committed other acts than the ones punished under hadd punishments
- Kurds, including Faili Kurds and Yarsan Kurds
- Baluches
- Christians, other than those frequenting house churches and Christian proselytisers
- Baha'is
- Women and girls

If an applicant is not considered eligible for refugee status, Member States should proceed to consider the granting of **subsidiary protection**.

Article 15(a) QD/QR relating to the risk of death penalty or execution may be applicable when there is a reasonable degree of likelihood of death penalty or execution by the Iranian authorities or execution by other (non-state) actors, such as in the case of *qesas* punishment.

Article 15(b) QD/QR relating to the risk of torture or inhuman or degrading treatment or punishment may be applicable, such as in the cases of deliberate denial of or unequal access to healthcare, certain socio-economic conditions, arbitrary arrests and detentions, life-threatening prison conditions, corporal punishment and violent crimes.

With regard to subsidiary protection under Article 15(c) QD/QR, it is concluded that, in the whole territory of Iran, there is no real risk for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD/QR.

Please note that, while it is generally considered that a civilian would not be affected by indiscriminate violence within the meaning of Article 15(c) QD/QR in Iran, including Tehran, this does not imply that Iran, including Tehran, is considered a safe area for any applicant. All circumstances specific to the applicant's individual case have to be thoroughly assessed.

The protection needs of certain individuals are further substantiated by the lack of State protection. State protection is generally not considered available for women facing domestic or

honour-related violence, and gender-based violence, including harmful traditional practices; for Kurds, especially those who served the IRGC and Basij; for individuals perceived to have transgressed Islamic norms or laws and facing persecution by the society at large since the State is in itself an actor of persecution; for persons with diverse SOGIESC facing social discrimination and/or violence from their families, their communities and healthcare providers because of the legal constraints and the hate speech of the authorities against persons with diverse SOGIESC; for atheists and converts from Islam to another religion. Additionally, no other actors are deemed to meet the requirements under Article 7 QD/QR to be considered as an Actors of protection.

Taking into account the reach of the Iranian authorities as the main actor of persecution, i nternal protection alternative in accordance with Article 8 QD/QR in Tehran would be substantiated only in certain limited cases such as for single able-bodied men and married couples with or without children.

Finally, exclusion considerations may be relevant in a number of cases concerning applicants from Iran. Examples include members of the Iranian government institutions, members of the Iranian military, members of armed groups, individuals involved in criminal activity and individuals having committed violence against women and children.

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  The assessment and guidance reflect the conclusions of the EUAA Country Guidance Network, which consists of EU Member States, Norway and Switzerland. The guidance note has been endorsed by the EUAA Management Board.

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  Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.

- 5

  In this regard, the CJEU has recently ruled on the interpretation of Article 5(3) QD, clarifying that rejecting a subsequent application based on circumstances which the applicant has created *sur place*, constitutes an exception. See CJEU, *Bundesamt für Fremdenwesen und Asyl* v *JF*, C-222/22, Third Chamber, judgment of 29 February 2024, https://curia.europa.eu/juris/document/document.jsf?text=&docid=283282&pageIndex=0&doclan

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