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Issue Brief

Afghan Refugees in Pakistan

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Pakistan has provided shelter to one of the world's largest protracted refugee populations - more than 5 million Afghan refugees have been living in Pakistan since 1979. Continued violence and political and economic turmoil in Afghanistan have discouraged refugees to return and resulted in continued influx of Afghan refugees into Pakistan.

Since 2002, 3.8 million refugees have returned to Afghanistan. Currently, there are 3 million registered and unregistered Afghan refugees, however, the number of unregistered refugees is believed to be far greater since movement across the Pak-Afghan border has traditionally taken place under an unregulated and unmonitored



system, thus making it close to impossible to give an accurate number of unregistered refugees. As a result, Pakistan's has been the most vulnerable country to mass movement, militants, trafficking of drugs and arms from Afghanistan.

Over the past three decades or so, Afghan refugees have lived in relative peace in Pakistan. For majority of the Afghan refugees who fled from Afghanistan in 1979, Pakistan became their permanent home. Most of the refugees that came to Pakistan were illiterate and had no finances at all – however, once settled they were able to find work and earn. While many have attained Pakistani citizenship through illegal means, others have continued to live in Pakistan without any form of discrimination. Unlike in Iran, which restricted the movement of refugees to camps and prevented them from indulging in politics, Afghan refugees in Pakistan have like all Pakistani nationals, been given access to education, health and the right to work. Pakistan provided them with a higher quality of life than in Afghanistan¹. Even after more than three decades, the same holds true.

However, due to declining donor assistance, domestic constraints, weak economy, refugee fatigue, and the growing threat of terrorism, refugees have become a major issue of concern for Pakistan. In

particular, the wave of violence and militancy that hit Pakistan after the horrific attack on the Army Public School and College (APS), Peshawar on December 16, 2014 further reinforced Islamabad's call for the honourable repatriation of all Afghan nationals.

Although the APS attack was not carried out by Afghan refugees, it had been planned and carried out in Afghanistan. As a result, a 20-point National Action Plan (NAP) was devised to counter terrorism and extremism. Within NAP, a policy was devised to deal with the issue of Afghan refugees in which undocumented Afghan nationals would be registered by the end of 2015 by NADRA. At the same time, law enforcing agencies were authorized to start a major crackdown against undocumented Afghan nationals and deport them after completing legal formalities. It is important to highlight that while some cases of organised crime and insecurity in KP have been traced back to the refugees, they are solely not to blame for major crimes, as refugees constitute just over one per cent of those found to have been involved in major crimes.² According to the Khyber Pakhtunkhwa Directorate of Prosecution, from 2014 to September 2016, 10,549 cases were put up in court, in which 134 involved Afghan refugees. Subsequently, 23,007 individuals were accused, out of which only 300 were Afghan refugees. Hence, only 1.3 per cent Afghan refugees were actually involved in crimes.

While there is a need for the repatriation of all refugees, it needs to be achieved in a dignified manner and reasonable timeframe.

Afghan refugees have been living in Pakistan for more than three decades, frequently moving across the border, yet, they were documented for the first time in 2005 when a survey was conducted by the Pakistan Census Organization (PCO) with support from the UNHCR to determine the number of refugees residing in Pakistan.³ It is important to highlight that during the past three decades, the flow of refugees into Pakistan has not ceased. Even when refugees have been prevented from legally entering Pakistan, they have still done so through the numerous illegal crossings/openings along the Pak- Afghan border. According to Pakistani officials, till May 2016, an estimated 2,000 visas were issued daily to Afghan nationals, yet between 40,000 to 60,000 people (mostly Afghans) would cross the border into Pakistan.⁴ Additionally, strained ties with Kabul, particularly after border clashes took place in June 2016 has also had an impact on Pakistan's refugee policy. As a result, Pakistan enforced new border initiatives which include valid and legal travel documents (passport and visa) for all Afghans entering Pakistan, including those who enter Pakistan daily for studies or work. Escalating tensions between Kabul and Islamabad increased the number of returnees to Afghanistan. For example in June 2016, 1,433 refugees returned

to Afghanistan, this number increased to 11,416 in July and 60,743 in August. Overall more than 600,000 refugees have been repatriated so far which include 365,000 registered refugees.⁵ This is the highest number of returnees since 2007.⁶ The repatriation process was temporarily halted due to winter and is expected to commence in March 1, 2017.⁷

Another major factor behind the increase in repatriation has been the blocking of all counterfeit identity cards the Afghan refugees had illegally acquired over the years.⁸

Since 2015, more than 100,000 computerized national identity cards (CNICs), including those issued illegally to foreigners have been blocked.⁹ According to authorities, majority of Afghan refugees in Baluchistan have been in possession of fake CNICs. Many have returned their fake CNICs as bank accounts, Pakistani passports and driving licenses automatically become dysfunctional with the blocking of cards. Hence, this has encouraged many refugees to come forward and surrender their fake documents.¹⁰

While Pakistan has been calling for the honourable repatriation of all remaining Afghan refugees, no sincere effort has been made by the Afghan government until recently when in July 2016, President Ghani's government launched a campaign, 'Khpal Watan, Gul Watan' (the grass is green in my land) to encourage Afghan nationals to repatriate, marking the first official initiative by Afghanistan since 1996. However, despite President Ghani's call to all refugees that 'Afghanistan needs your contribution in the peace process,' 'come back and take part in the reconstruction of Afghanistan' and pledges to ensure stability, peaceful conditions, as well as boost the economy and create jobs, not only are refugees reluctant to return, thousands continue to flee Afghanistan¹¹ in what some are terming the greatest numbers since 2001.

According to Amnesty International, Afghanistan failed to implement a 2014 national policy to provide basic living standards for the internally displaced persons (IDPs) who are "on the brink of survival". Although Afghan authorities claim they have started welfare programs to welcome incoming refugees, majority of those that have returned find themselves in a desperate situation without housing or any means to sustain themselves. Incoming refugees claim that the Afghan government has not provided any support to them. On the contrary, it is the UNHCR which provides financial support to the registered refugees, which often proves to be inadequate. Hence, questions of corruption and mismanagement have surfaced regarding the Afghan authorities handling of incoming refugees. In fact, the former Afghan government's corruption and mismanagement of programs meant to help returnees has been

highlighted in the US Special Inspector General for Afghanistan Reconstruction (SIGAR) report of August 2015. It clearly states that since 2002, \$950 million were allocated by the US for assisting Afghan refugees and returnees, but “most of that money has been lost to corruption while those in need remain in dire conditions.” The report also states that the Afghan Ministry of Refugees and Repatriation (MORR), which was “afflicted by institutional corruption” has made little progress in implementing a strategy to bring home refugees and allocate land for them to settle.¹²

While the international community has failed to bring stability to Afghanistan, successive Afghan governments, including the government of national unity, have also failed to deliver. According to a report released by the US Special Inspector General for Afghanistan Reconstruction (SIGAR), in April 2016, “Afghanistan is worse off today than it was before 2001.”¹³ Despite 15 years of international presence, Afghanistan continues to be confronted by violence and instability, weak and ineffective governance and poverty. Economic growth in Afghanistan has dropped significantly from 2003-2012, and the country's economic growth was 9 per cent and currently it stands at 2 per cent. Subsequently, 36 per cent of Afghans live below the poverty line.¹⁴ Afghanistan's current state of affairs continue to pose serious hurdles for the repatriation of refugees, as well as sustainable reintegration of displaced Afghans inside the country. For repatriation to be sustainable, returnees need incentives or what Afghan President Ashraf Ghani has referred to as the “pull factor”, which entails basic facilities such as shelter, food, health, education and jobs. Pledges have been made by the government to provide returning refugees with land and housing, the opportunity to invest in small businesses, access to education, health, other basic services and settlement in any part of the country.¹⁵ However it has yet to deliver.

So far, the returnees, who make up around a quarter of Afghanistan's current population have been denied these basic rights, forcing them to either return back to Pakistan or become internally displaced. Similarly, President Ghani had also announced a housing project for returnees in Nangrahar and Kabul which is expected to be implemented under the Afghan government's land distribution scheme for returnees and IDPs adopted in 2005.¹⁶ However, so far, progress has been slow as returnees continue to fend for themselves due to lack of shelters. Afghanistan's current state of affairs continue to pose serious hurdles for the repatriation of refugees, as well as sustainable reintegration of displaced Afghans inside the country. In 2015 alone, more than 250,000 Afghans left for Europe¹⁷ with 20 per cent of all arrivals in Europe by boat being Afghan nationals.¹⁸ Deteriorating conditions in Afghanistan prompted more than 178,000 Afghans to register first-time asylum claims in the European Union in 2015.¹⁹

In the absence of relative stability in Afghanistan, refugees will continue to resist repatriation. What is more alarming is the fact that 60 per cent of Afghanistan's population is under the age of 20.²⁰ Apart from underprivileged masses that continue to flee Afghanistan, mostly to Pakistan and Iran, which accounts for 90 per cent,²¹ the educated, professional and elite class of the Afghanistan are also fleeing to Europe and elsewhere in search of safety and stability. In February 2016, majority of the European countries reclassified Afghan refugees as 'economic migrants' as a measure to prevent their stay in Europe. In an additional measure to prevent refugees from entering Europe, an agreement was signed between the European Union and Afghanistan in which Afghanistan agreed to take back Afghan nationals provided they are given assistance with the returnees and the provision of security and employment opportunities by establishing vocational institutes in certain provinces to train those deported.²²

While Pakistan is fully cognizant of the Afghan state's limitations and challenges and has always been calling for 'voluntary' repatriation, at the end of the day, it cannot achieve this on its own. Afghanistan and the international community will have to play a more constructive role. Hence, a respectable time frame becomes imperative that needs to be devised collectively by all three principle partners i.e. UNCHR, Pakistan and Afghanistan. While repatriation has begun to take place, it needs to be achieved in a phased and dignified manner in order to achieve maximum and sustainable repatriation without damaging Pakistan's ties with Afghanistan. In this regard, Pakistan's decision to extend the deadline for repatriation to December 2017 is a welcoming development. This will provide sufficient time for all stakeholders to make adequate arrangements for repatriation. The repatriation of Afghan refugees should be delinked from Pakistan's policy on countering terrorism and should be addressed as a separate bilateral issue without damaging Pakistan's ties with Afghanistan. Pakistan should also consider a more lenient policy towards those Pashtun refugees who have been law abiding and have lived peacefully during their stay in Pakistan. Most have bought property and established lawful businesses accelerating economic activity. They have been a source of revenue generation, giving a fillip to healthy business and competitiveness. For instance, the business of gemstones, is primarily run by Afghan traders based in Peshawar which constitute a considerable part of Pakistan's export to other countries and has earned \$27.562 million in terms of foreign exchange in the last five years.²³ Similarly, Afghan refugees make up more than 70 per cent of the carpet weaving business /industry in Khyber Puktunkhwa²⁴ which is renowned all over the world for its skilful art and has contributed significantly to Pakistan's economy and which has suffered greatly as carpet production has dropped by 5 per

cent²⁵ due to the repatriation of refugees. Similarly, many businesses are winding up and it is believed that many Afghans have relocated their businesses to India, which, if true, means that Pakistan is unwittingly pushing them into the Indian orbit. Instead, Islamabad should devise measures to allow these Afghans to stay in Pakistan and continue to contribute to the national exchequer.

It is also suggested that those Afghans born in Pakistan (74 per cent)²⁶ who are desirous to attain Pakistani citizenship may be considered (provided they are law abiding and possess a criminal free record) under Section 4 of the Pakistan Citizenship Act, 1951. Similarly, under Section 3 of the Naturalization Act, 1924, those individuals who have lived in Pakistan for well over the prescribed period^{**}, possess knowledge of Pakistani languages, and have a crime-free record, can claim Pakistani citizenship under Pakistan's Naturalization Act, 1924.²⁷ Similarly, Afghani men married to Pakistani women or Afghani women married to Pakistani men too are legally entitled to attain Pakistani citizenship under Section 10 of the Citizenship Act. In addition, concessions need to be made for those individuals or minors who do not have parents/guardians to look after them. Similarly, widows, as well as women whose husbands are lost or imprisoned should also be given the option of attaining Pakistani citizenship along with their children.

Despite Afghanistan's limitations, the Afghan state needs to take ownership of the issue of refugees so as to accommodate them. For sustainable and long-term repatriation and reintegration, it is imperative that a conducive environment inside Afghanistan is attained. While the Taliban insurgency is a bitter reality that continues to confront the Afghan state, Afghan authorities have to move beyond shifting the blame, and find ways to address the issue of its refugee population.

* Children of Afghan Refugees born in Pakistan are estimated to be around 74 per cent of the total community.

** According to Pakistan's Naturalization Act (Section C) 1926 "that he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than four years."

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