

**Dr Marissa Quie Fellow and Director of Studies in Human, Social and Political Science, Lucy Cavendish College, University of Cambridge and College Lecturer in Politics and Director of Studies in Human, Social and Political Science, Magdalene College, University of Cambridge and Hameed Hakimi, Research Associate, Asia-Pacific Programme at Chatham House – written evidence (AFG0024)**

**Question 1: Which regional and global powers are playing the most significant role in Afghanistan’s political and security environment? What scope is there for that role to be more positive and constructive than it has been in the past?**

**Question 11: What are the prospects for the return of the almost 2.5 million registered refugees from Afghanistan (UNHCR figures)? What is the impact of hosting Afghan refugees on its neighbours?**

**Part I of this submission answers Question 1 through a migration and refugee prism and partially answers Question 11 with respect to Pakistan and Iran. Part II specifically addresses the problem of returns from Europe.**

### **Executive Summary**

This submission argues that movement of refugees and migrants has profound ramifications for Afghanistan’s political and security environment, the region more generally and the security of Afghans in the migration pathway.

Afghans make up the second largest number of refugees in the world.<sup>1</sup> Approximately 5m are affected by displacement internally and across borders, with 2.7m living outside the country.<sup>2</sup> Despite intense focus on the migration crisis in Europe, over 90% of displaced Afghan populations actually live in Pakistan and Iran.<sup>3</sup> Evaluations of security and prospects for peace must include the situation of Afghan refugees and migrants living in these two pivotal host countries. Neglect of regional dynamics distorts the full picture of returns and

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<sup>1</sup> Reardon, C. (2020). World must act and deliver for Afghan refugees, says UN chief. *UNHCR*. 17 February. <https://www.unhcr.org/uk/news/stories/2020/2/5e4b57e14/world-must-act-deliver-afghan-refugees-says-un-chief.html>

<sup>2</sup> Reid, K. (2020). Forced to flee: Top ten countries refugees are coming from. *World Vision*. 19 June. <https://www.worldvision.org/refugees-news-stories/forced-to-flee-top-countries-refugees-coming-from>

<sup>3</sup> UNHCR. (2020). Four decades and counting: An urgent need to rekindle hope for millions of Afghan refugees. 11 February. <https://www.unhcr.org/uk/news/briefing/2020/2/5e4272d64/four-decades-counting-urgent-need-rekindle-hope-millions-afghan-refugees.html>

undercuts wider international policy interventions in Afghanistan. Failure to adequately consider the violent realities of ongoing war; the impact of returnees on the economy and stressed communities; losses of vital remittance payments; the needs of Afghanistan's large population of displaced peoples (IDPs); and evidence from other conflict situations where 'refugee spoilers'<sup>4</sup> upend the possibilities for peace, hinder goals for managing migration from Afghanistan and the chances for achieving peace and security.

Migration patterns in Afghanistan are shaped by complex variables including war, severe poverty and underdevelopment, food insecurity, climate change, environmental degradation, natural disasters and lack of opportunity. The factors which stimulate migration may overlap or differ from those that lead Afghans to stay in host countries. In this sense, migration can be a temporary strategy that may entail internal displacement, resettlement, transitional and/or repetitive movement or the circularity of return.

Return to Afghanistan is often a misnomer for Afghans; displacement can span several generations. Many of those 'returned' have never lived there and lack the critical knowledge to survive there. They enter impoverished communities with scant resources. They face stigmatisation and exclusion because of changed values, lifestyle choices and linguistic shifts: interpreted as 'contamination' from time spent abroad. They may also confront debts incurred to facilitate migration which cannot be repaid. Compounding this, lack of employment opportunities leaves them vulnerable to criminal networks and extremist groups.

Return does not constitute a neat response to unwanted migration and often does not mean the end of an individual's migration pathway. Unsustainable conditions lead to circularity. Similarly, border reinforcement does not stop migration and can instead generate new, more dangerous routes facilitated by criminal actors. Afghanistan also has more than 2.9m IDPs,<sup>5</sup> who may remain displaced for decades. This bleak figure underlines the precarious conditions for return from overseas. Lack of capacity to absorb returns can add new layers to the existing conflict, destabilising Afghanistan's fragile social fabric.

Protection for Afghan refugees varies in Pakistan and Iran, with cascading implications for security across the political and security environment for all three countries. Iran is party to the 1951 Refugee Convention and the 1967 Protocol (CSR 1951). However, comparatively low numbers of Afghans have been granted refugee status. Those without this status are at risk. Moreover, independent verification of numbers and conditions for refugees is hampered by the Iranian government. Pakistan is not party to the CSR 1951. Refugee protection is handled by nationally determined legislation and registration mechanisms.

Due to socio-economic and political pressures in Pakistan and Iran, Afghan refugees have experienced volatile treatment that can result in forced returns. The distinction between 'forced' and 'voluntary' is blurred here, exposing

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<sup>4</sup> 'Refugee spoilers' refers to refugees who may have originally left the country because of their rejection of a particular regime: in this case, the Taliban. They continue to oppose the return of such a regime to power.

<sup>5</sup> IDMC. Afghanistan. <https://www.internal-displacement.org/countries/afghanistan>

unacceptable gaps in adherence to international legal and rights-based standards. Indeed, periodic mass deportations are not uncommon. In 2018, for example, nearly 800,000 Afghan migrants returned or were deported to Afghanistan from Iran, an increase of two-thirds compared to the previous year.<sup>6</sup> The grim reality is that Afghanistan lacks the capacity to reintegrate the sheer numbers being returned from Iran, Pakistan, the wider region – particularly Turkey – and Europe. If migration opportunities for refugees in Pakistan and Iran continue to constrict and the situation in Afghanistan remains violent and unstable, Europe and the UK may be the only options.

In October 2016, the EU and Afghanistan signed the Joint Way Forward (JWF)<sup>7</sup> in response to what the former viewed as a refugee and migrant crisis. The JWF expired on 6 October but is currently being renegotiated by the EU. It provides a deceptively logical solution to the issue of irregular (illegal) migration from Afghanistan by focusing on returns. Yet it fails to account for the vast majority of the country's refugees and migrants not living in Europe and more specifically, those living in Pakistan and Iran. It fails to acknowledge the asymmetrical burden which Afghanistan's neighbours have assumed for almost half a century. Likewise, the important contributions of Afghan populations to their host nations is bracketed out. The JWF further fails to consider the brutal circumstances of return noted above: made worse still by the ongoing Covid-19 pandemic.

Although the Afghan government has worked to develop a holistic response to European policy makers on migration - The Comprehensive Migration Policy (CMP) interweaves internal displacement, regional and European returns, reintegration, short-term employment, service delivery and development - Kabul lacks the capacity to implement it. The CMP uses the Citizens' Charter, a bottom-up community-driven development programme, to reintegrate Afghan returnees. There are ill-defined plans to leverage the Charter to reintegrate former Taliban fighters should some kind of power-sharing deal, or a peace agreement, be achieved between the Taliban and the current Afghan government. If this disjointed scheme were to be implemented, it is unlikely that Afghanistan's weak governmental institutions could withstand the strain. These putative scenarios would also unfold in an environment where US and NATO security support is uncertain, and can potentially decrease.

As the UK refines its policies towards Afghanistan, an emphasis on support for regional solutions will be crucial. This entails full recognition of the costs incurred by host countries. These are not merely financial; they are multidimensional, placing strain on shared natural resources and basic needs such as education, health, socioeconomic support, protection and urban infrastructure. At the same time, considerations of the burden on host countries often exclude the important contributions made by generations of Afghan refugees living in Pakistan and Iran, including building local economies. The current talks in Doha between the Afghan government and the Taliban could be a harbinger of change. However,

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<sup>6</sup> Radio Free Europe. (2019). Afghan migrants returning from Iran hit a record high in 2018. 8 January. <https://www.rferl.org/a/afghan-migrants-returning-iran-hit-record-high-2018/29697060.html>

<sup>7</sup> Joint Way Forward on migration issues between Afghanistan and the EU. [https://eeas.europa.eu/sites/eeas/files/eu\\_afghanistan\\_joint\\_way\\_forward\\_on\\_migration\\_issues.pdf](https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf)

most displaced Afghans want to see tangible changes and a substantive reduction in violence before returning.

The Ghani administration wants to integrate the refugee issue into the ongoing quest for peace. While in Tehran on an official visit this month, Dr Abdullah Abdullah, Chairman of the High Council for National Reconciliation (HCNR)<sup>8</sup>, confirmed that Kabul is keen to establish a mechanism where the views of Afghan refugees in neighbouring countries are represented in the intra-Afghan dialogue in Doha.

Despite the pandemic accelerating pressure on vulnerable refugees to return, Pakistan and Iran are expected to remain the main host countries. In this context, goodwill from the UK government is insufficient. Deeper, proactive engagement requires closer monitoring of developments on the ground, encouraging and supporting good practice and judicious appraisals of critical lacunae in policy design and implementation. Above all, this means avoiding precipitous returns to Afghanistan and providing consistent protections in line with international standards that recognise long-term contributions to host nations by Afghan refugees and migrants. Sustainable responses further entail carefully calibrated investments and systematic technical support.

On the sensitive issue of proxy war, prudent use of diplomatic influence (particularly in the case of Pakistan) is recommended. The UK has longstanding historical ties with Pakistan and is home to a large Pakistani diaspora. It also retains significant connections with Pakistan's powerful military establishment: which is currently interested in finding partners to support its modernisation agenda.

Britain's withdrawal from the EU and the possibility of a no deal Brexit leaves vulnerable Afghan asylum seekers and their families in legal limbo on several key aspects of refugee protection. Durable solutions necessitate close international partnerships and recognition of shared responsibility, including the expansion of legal pathways for Afghans in and to the UK.

## **Part I**

***Question 1: Which regional and global powers are playing the most significant role in Afghanistan's political and security environment? What scope is there for that role to be more positive and constructive than it has been in the past?***

*(Part I of this submission answers Question 1 through a migration and refugee prism and partially answers Question 11 with respect to Pakistan and Iran.)*

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<sup>8</sup> HCNR was established in May 2020 thanks to a political agreement between President Ghani and Dr Abdullah to end the bitter dispute that emerged when both candidates claimed they had won the 2019 Presidential election. HCNR is the authorised body to manage and approve all aspects of the negotiations with the Taliban on behalf of the Afghan government.

## Overview

Afghanistan's political and security environment is intrinsically linked with the mobility of Afghan refugees and migrants across regional frontiers. The close connections between migration and security are clearly recognised in international and Afghan policymaking. After the Soviet invasion in 1979, over a quarter of the Afghan population left the country,<sup>9</sup> mainly for Pakistan and Iran. But for centuries, mobility across Eurasia has been an existential strategy. Migration encompasses a broad scope of intersecting concerns, including refugees, internal displacement and across borders, legal and illegal / 'irregular' migration. Individuals can be classified under one of or all these categories in a relatively short space of time. Logically, different categorisations imply different protection needs, but movement between categories makes adequate responses problematic. Imprecise data and documentation further complicate the picture.

Pakistan and Iran are a source of sanctuary for over 90% of Afghanistan's refugees - but simultaneously are considered as sources of conflict in Afghanistan, especially through support for armed proxies. Socio-economic and political challenges in both nations feed a propensity to use refugees to gain political leverage with the international community.

Covid-19 has worsened the economic outlook for both Iran and Pakistan. When Imran Khan became Prime Minister in 2018, Pakistan's GDP growth was around 5.8%; now, it is 0.98% and likely to decline further. The country's fiscal deficit is almost 10%; revenues have plummeted in the past two years.<sup>10</sup> Pakistan's military establishment bolstered Khan's victory in an election that has been viewed as unfair.<sup>11</sup> The symbiotic connection between the military and the civilian government is reinforced by the close relationship between Prime Minister Khan and Qamar Javed Bajwa, Chief of the Army Staff. Although state-military tensions are virtually non-existent, the stability of Khan's tenure is linked to economic prosperity, which is now at risk.

A failing economy is likewise pivotal in Iran. The Trump administration's withdrawal from the Joint Comprehensive Plan of Action (JCPOA)<sup>12</sup> and a policy of 'maximum pressure' has contributed to a severe economic downturn. Nonetheless, the Iranian regime has made savvy use of US sanctions as a scapegoat for the weak economy and other government failures on counter-narcotics, the environment and opportunities for young people. The problems in all these areas have also provided a rationale for deportations of Afghan refugees. Given the spread of infection and burden on domestic relief efforts amid the pandemic, Iran and Pakistan will struggle to sustain assistance and protections for Afghan refugees.

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<sup>9</sup> Miller, L. C., M. Timouri, J. Wijnker, J. and J. G. Schaller. (1994). Afghan refugee children and mothers. *Arch Pediatr Adolesc Med.* 148: 704-8. <https://pubmed.ncbi.nlm.nih.gov/8019623/>

<sup>10</sup> Saleem, A. (2020). How the COVID-19 crisis is affecting Pakistan's economy. *DW.* 23 July. <https://www.dw.com/en/how-the-covid-19-crisis-is-affecting-pakistans-economy/a-54292705>

<sup>11</sup> Afzal, M. (2018). Did Pakistan's Imran Khan win a 'dirty election' or a real mandate? *Brookings.* 27 July. <https://www.brookings.edu/blog/order-from-chaos/2018/07/27/did-pakistans-imran-khan-win-a-dirty-election-or-a-real-mandate>

<sup>12</sup> Known as the 'Iran Nuclear Deal', this was agreed in Vienna in 2015 and ratified by the P5+, which included the UK.

Yet Afghans who are repatriated face dire conditions on return. Afghanistan suffers from ongoing war, uncertain prospects for peace and high unemployment. Its fragile health infrastructure means it has been disproportionately affected by the spread of the virus. Lack of capacity to absorb unpredictable rates of returns could add additional layers to ongoing conflict, weakening the chances for peace. Moreover, Afghanistan's political and security environment is overlaid with only a modicum of economic stability. The true scope of remittances from Afghans living in Pakistan and Iran is unknown; yet these are a vital source of income and crucial buffer against economic shocks.<sup>13</sup>

Failure to adequately address issues around Afghan migration to Pakistan and Iran will have negative implications for the regional neighbourhood and cascading effects on migration to the EU and UK. While Afghans are one of the top three sources of migrants to both, Pakistan and Iran are among the top ten.<sup>14</sup> Afghan refugees and migrants have endured shifting, wildly inconsistent protections within Pakistan and Iran. Covid-19 has exacerbated this due to border closures and lack of healthcare access. If the situation worsens, Europe and the UK may be the only option left.

The UK's preferred solution is that Afghans continue to be hosted within the regional neighbourhood. In this context, the Foreign, Commonwealth and Development Office (FCDO) must promote solutions where the interests of both host states of Pakistan and Iran are effectively incorporated.<sup>15</sup> This must also adequately factor in the political, economic and social conditions within Afghanistan, and its capacity to absorb citizens who are repatriated. As Afghanistan's second Vice-President, Sarwar Danesh, notes presciently, refugees should never be bargaining chips; their protection must be paramount. What is required is an approach centred around cooperation and consultation, together with UN oversight that facilitates repatriation through a planned, sequenced process, sensitive to rapidly changing conditions.<sup>16</sup> The UK is involved in initiatives such as the Solutions Strategy for Afghan Refugees (SSAR). Yet there is much more to be done, as the recommendations below highlight.

### ***Pakistan, Afghan Migration and Security***

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<sup>13</sup> Garrote-Sanchez, D. (2017). International labour mobility of nationals: Experience and evidence for Afghanistan at macro level. 28 June 2017

<http://documents1.worldbank.org/curated/en/536541530196136716/pdf/International-Labor-Mobility-of-Nationals-Experience-and-Evidence-for-Afghanistan-at-the-Macro-Level.pdf>

<sup>14</sup> BBC. (2018). Migration to Europe in charts. 11 September. <https://www.bbc.co.uk/news/world-europe-44660699>

<sup>15</sup> Host states require some degree of control over unpredictable migration flows from Afghanistan, as well as consistent international support for protection measures including healthcare, economic assistance, accommodation, job creation and education. They need support to achieve resolutions over conflicts connected with shared resources that generate refugees. They also would benefit from more systematic, reliable relations with Afghanistan, especially with the Ministry for Refugees and Repatriation (MoRR). This in turn necessitates continued international support for capacity-building.

<sup>16</sup> Statement of H.E. Sarwar Danesh, Second Vice President of Afghanistan in the conference on 'Forty years hosting of Afghan refugees in Pakistan: New participation for solidarity Islamabad'. (2020). 17 February. <https://www.vpo.gov.af/en/2020/02/17/tatement-of-h-e-sarwar-danesh-second-vice-president-of-afghanistan-in-the-conference-on-forty-years-hosting-of-afghan-refugees-in-pakistan-new-participation-for-solidarity-islamabad/>

Pakistan plays contradictory roles in relation to Afghanistan's political and security environment. It hosts the world's largest refugee population, while simultaneously fomenting the conflict and instability that drives emigration. Its provision of sanctuary to the Taliban insurgency is a critical factor. Pakistan's political/military establishment has traditionally used Afghanistan to achieve strategic depth<sup>17</sup> against its most powerful rival, India. Islamabad's military/political complex holds a firm grip on the country's foreign and defence policies, particularly in relation to neighbouring countries. The marginal capacity of any Pakistani civilian administration to shift the status quo will remain unchanged with regard to the Pakistani military establishment.

Islamabad's preference for a weak, malleable Afghan state is inherent here. Since the Trump administration curtailed security assistance to Pakistan in 2018, the Pakistani government has begun engaging more proactively in efforts to achieve peace in Afghanistan. Behind the scenes, Pakistan supported negotiations which resulted in the US-Taliban deal on 29 February 2020 in Doha.

There are indications that Pakistan's military establishment may have recalibrated its interpretation of strategic depth and opted for influence over any putative power-sharing arrangement: counting on a pliable future administration in Kabul. Refugees are pivotal to these calculations. Fundamentally, Pakistan does not want a government in Kabul that is closer to India than itself. At the same time, it does not want a power-sharing agreement that leads to a reassertion of the Taliban 'Emirate' regime of the 1990s. The re-establishment of any Taliban 'Emirate' will result in an exodus of refugees: perhaps in even larger numbers than during the 1990s, as the Afghan population has grown significantly since 2001. A revived Emirate would also have domestic implications for Pakistan. It would be a huge morale boost for Islamists there, signifying a potential expansion of their influence.

Pakistan's post-9/11 record is ambiguous. Its Inter-Services Intelligence (ISI) covertly supports proxy war in Afghanistan and maintains close connections with Taliban factions: most notably, the Haqqani Network. In the course of a Taliban assault on Helmand province this month, the Taliban were able to transport their injured fighters from Helmand to around eight hospitals in Quetta, Pakistan.<sup>18</sup> Such close ties between Pakistan and the Taliban enhance the Taliban's fighting capabilities and augment their logistical capacities for attacks on Afghan cities. These destructive links can seriously hinder the prospects for success in the intra-Afghan dialogue in Doha, with long term implications for peace and reconciliation in Afghanistan.

It is too early to tell whether Pakistan's approach to militant groups, the Haqqani Network in particular, will substantively change. Similarly, it is unclear what impact this might have on the large Afghan refugee population in Pakistan, who do not enjoy adequate safeguards and protections.

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<sup>17</sup> Fair, C. C. (2014). Pakistan's quest for strategic depth. In: C. C. Fair (2014), *Fighting to the End: The Pakistan army's way of war*. <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199892709.001.0001/acprof-9780199892709-chapter-5>

<sup>18</sup> Radio Azadi. (2020). Numerous injured Taliban fighters have been taken to hospitals in Quetta during the recent conflict in Helmand. 15 October (article in Pashto). <https://pa.azadiradio.com/a/30894373.html>

The Doha agreement did not consider provision of sanctuaries for the Taliban in Pakistan. Numerous studies show that external support – including providing sanctuary - has a decisive impact on the outcome of insurgencies. Externally backed ones tend to last longer, and violence is prone to continue even after peace agreements are signed.<sup>19</sup> In the absence of a genuine commitment from Islamabad to close Taliban sanctuaries down, it is highly likely that the war in Afghanistan will continue. If India interprets the outcome of intra-Afghan talks as a victory for Pakistan via its Taliban proxies, the violence could be amplified.

As the prospects for a full-scale US military withdrawal from Afghanistan seem increasingly real, regional rivalries are incendiary. These tensions could ultimately ignite a full-scale civil war in which regional powers such as Pakistan, Iran, India and Russia back different factions<sup>20</sup>, their favoured proxies, further destabilising Afghan security and generating an exodus of refugees.

Movement across borders closely ties in with Islamabad's security concerns over regional/ethnic rivalries within Pakistan. Pakistan's governing elite are still wary of a cohesive, Pashtun-nationalist government in Afghanistan. The Durand Line, drawn by the British in 1893 and contested by Afghanistan to this day, divides Pashtuns by nationality. The disputed border remains symbolic of Pakistan's conflicting position over refugees. Historically, the frontier was porous. As a projection of hard power, Pakistan has now constructed a barbed wire fence and reinforced border entry points. The fence may deter illegal crossings but will not stop them completely.

Pashtun nationalists argue that their division between the two countries remains an artificially imposed decision, which began with colonialism in the nineteenth century and has been upheld by Pakistan. Assertive Pashtun nationalism in Afghanistan is viewed as provocative, because it has the potential to mobilise political and civic forces among Pashtuns in Pakistan. Pakistani Pashtuns feel under-represented and economically deprived. They have paid a heavy price for the 'war on terror' in Pakistan during military operations.<sup>21</sup> The war has led to stigmatisation, exclusion and loss of economic opportunities.<sup>22</sup>

The Pashtun Tahafuz (Protection) Movement (PTM) in Pakistan has demonstrated and campaigned against extrajudicial killings, harassment by the army and police, and the forced disappearances of Pashtuns: all of which they blame on the powerful Pakistani military establishment.<sup>23</sup> The PTM portrays itself as a civil rights group, demanding 'the fundamental rights of Pakistan's estimated 35

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<sup>19</sup> Reider, B. J. (2014). External support to insurgencies. *Small Wars Journal*. 28 October. <https://smallwarsjournal.com/jrnl/art/external-support-to-insurgencies>

<sup>20</sup> Mazzetti, M. and I. Khan. (2020). From the Afghan peace deal, a weak and pliable neighbor for Pakistan. *The New York Times*. 5 March. <https://www.nytimes.com/2020/03/05/world/asia/afghanistan-pakistan-peace.html>

<sup>21</sup> Siddique, A. (2019). Will more representation solve Pakistan's Pashtun problem? *Gandhara*. 14 May. <https://gandhara.rferl.org/a/pakistan-will-more-representation-solve-pashtun-problem-/29940444.html>

<sup>22</sup> This was mainly the result of a backlash by other ethnic groups in Pakistan, who suffered from terrorism perpetrated by the Tehreek-e-Taliban Pakistan (TTP: the so-called Pakistani Taliban). TTP was mainly comprised of Pashtuns from Pakistan's former Federally Administered Tribal Areas (FATA).

<sup>23</sup> Dawar, M. (2019). Why Pashtuns in Pakistan are rising up. *The Washington Post*. 17 April. <https://www.washingtonpost.com/opinions/2019/04/17/why-pashtuns-pakistan-are-rising-up/>



million Pashtuns'.<sup>24</sup> With a strong support base across the former FATA, but also increasingly in the cities like Peshawar and Karachi with considerable Pashtun populations, PTM leaders demand the equality that their Pakistani citizenship and the constitution theoretically provides.

Although pro-military political and media commentary in Pakistan has accused PTM leaders of having warm relations with anti-Pakistani establishment elements in Afghanistan, this is largely rhetorical: because the PTM has not promoted Pashtun unification across the Durand Line. In fact, current members of the PTM leadership were in favour of a military response to radical extremism in the former FATA. They also reportedly welcomed military operations against the militants in Khyber Pakhtunkhwa province in 2014.<sup>25</sup>

Although President Ghani's administration would like solidarity with the PTM to project influence with Pashtuns inside Pakistan, the PTM differs from former Pashtun nationalist movements, whose political ambitions and ideology were driven by vocal support for Pashtun unification on both sides of the Durand Line. The PTM currently has two MPs/MNAs (Members of National Assembly) in the National Assembly of Pakistan.

### *Protections for Afghan Refugees in Pakistan*

Pakistan is not party to the 1951 Refugee Convention, nor the 1967 Protocol; and has not enacted national legislation regarding the assessment or granting of protection to those seeking refuge.<sup>26</sup> In this context, individuals seeking protection are considered under the Foreigners Act 1946<sup>27</sup>, which regulates the entry, stay and movement of those from overseas. Under the Act, all foreigners without valid documentation, including refugees and asylum seekers, are subject to arrest, detention and deportation because they are considered illegal.

Since 1993, UNHCR has conducted 'refugee status determination' on behalf of the Pakistani government. Islamabad is responsible for deciding whether displaced Afghan people should be classified as refugees;<sup>28</sup> but Pakistan maintains control over the rights and privileges of refugees within its borders. It imposes limits on the duration of protection given. It can also impose exclusion orders: for example, prohibiting entry into special border areas.

In 2018, the Pakistani government launched the Proof of Registration (PoR) scheme for Afghans, which offers some safeguards against arbitrary deportation.<sup>29</sup> Data from the UNHCR collected in March 2020 identified 1,420,673 Afghan refugees registered with PoR cards in Pakistan.<sup>30</sup> The PoR does not offer

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<sup>24</sup> Siddique, More representation

<sup>25</sup> Paracha, N. F. (2020). Smokers' corner: How should the state deal with PTM? *Dawn*. 3 February. <https://www.dawn.com/news/1531940>

<sup>26</sup> UNHCR. Asylum system in Pakistan. <https://unhcrpk.org/asylum-system-in-pakistan/>

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Zetter, R. (2018). Protection for forcibly displaced Afghan populations in Pakistan and Iran. *Danish Refugee Council*. November. [https://adsp.ngo/wp-content/uploads/2020/02/DRC\\_Briefing\\_Note\\_Protection-for\\_22072019.pdf](https://adsp.ngo/wp-content/uploads/2020/02/DRC_Briefing_Note_Protection-for_22072019.pdf)

<sup>30</sup> UNHCR Operational Portal. Refugee Situations. Pakistan (Islamic Republic of).

complete security for Afghans registered for the programme; lack of clarity around issuance and renewal, duration of validity and extensions, are looming problems.<sup>31</sup> When cards are invalid, refugees may be subject to maltreatment by the police and forcibly returned to Afghanistan.<sup>32</sup>

In February 2017, Islamabad endorsed the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.<sup>33</sup> It included stricter implementation of immigration laws along the western border with Afghanistan and required registered refugees to turn in their PoR cards before returning to obtain visas to re-enter Pakistan. Human Rights Watch recorded 'mass forced returns' of Afghans after initiation of the 'voluntary repatriation' scheme.<sup>34</sup> Fluctuating policy around the longevity of the PoR policy heightens fears. The omnipresent threat of deportation has a profound impact on mental health, intensified by anxieties surrounding Covid-19.

Afghans not registered under the PoR scheme are considered 'illegal', not 'refugees'. Data on these individuals is deficient, but UNHCR estimates that over 1m Afghans live in Pakistan illegally.<sup>35</sup> Pakistan conducted its last census in 2017. Many Afghans abstained because of fears of surveillance and potential deportation. Numbers are likely to be far higher than those recorded.

In September 2020, Pakistan announced a new 'friendly' visa regime for Afghans. Under the new scheme, which Islamabad says will strengthen trade and people-to-people contacts, Afghans will be able to obtain multiple-entry visit visas under the categories of long-term business, investment, student and health.<sup>36</sup> Difficulty in acquiring visas has been a major source of concern for Afghans in need of essential visits. The mobility of Afghan visitors to Pakistan is an important variable in the growth of border economies on both sides of the crossings. In recent years, as the security situation in Afghanistan has worsened, highly paid jobs, once the preserve of Western expatriate staff, have been filled by emerging professionals from Pakistan. Understanding the extent of people-to-people contacts and informal (but licit) economic relations between Afghanistan and Pakistan is critically undermined by lack of credible data.

Afghan refugees in Pakistan confront significant obstacles<sup>37</sup> including access to secure accommodation, jobs, financial services, education and healthcare. Public

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<https://data2.unhcr.org/en/country/pak>

<sup>31</sup> Siddiqui, Z. (2019). For Afghan refugees, Pakistan is a nightmare - but also home. *Foreign Policy*, 9 May. <https://foreignpolicy.com/2019/05/09/for-afghan-refugees-pakistan-is-a-nightmare-but-also-home/>

<sup>32</sup> Based on the last formal notification of the Pakistani government, the expiry date for PoR cards was extended until 30 June 2020, while ACCs were extended until 31 October 2019.

<sup>33</sup> Human Rights Watch (HRW) (2017). Pakistan coercion, UN complicity: The mass forced return of Afghan refugees. 13 February. <https://www.hrw.org/report/2017/02/13/pakistan-coercion-un-complicity/mass-forced-return-afghan-refugees>

<sup>34</sup> Ibid.

<sup>35</sup> UNHCR. (2019). Global trends: Forced displacement in 2018. <https://www.unhcr.org/5d08d7ee7.pdf>

<sup>36</sup> Gul, A. (2020). Pakistan unveils new 'friendly' visa policy for Afghanistan. *Voice of America*. 29 September. <https://www.voanews.com/south-central-asia/pakistan-unveils-new-friendly-visa-policy-afghanistan>

<sup>37</sup> Amnesty International. (2019). Afghanistan's refugees: Forty years of dispossession. 20 June.

discourse often falsely links them with criminality, terrorism, smuggling and narcotics. They suffer arbitrary detention and police brutality.<sup>38</sup> In 2018, Prime Minister Khan promised citizenship to the children of Afghan refugees born in Pakistan. He quickly reneged due to a harsh backlash. Given that countless Afghans have lived in exile in Pakistan for generations, without ever having entered Afghanistan, many face the grave risk of statelessness. Afghanistan is now trying to move to a biometric identity card system (*e-tazkira*): further disadvantaging returnees, who will struggle to prove their nationality in Afghanistan.

The Pakistani government imposed a Covid-19 lockdown between 9 March and 9 May. This had a disproportionate impact on many Afghan refugees, who survive through informal daily work very much on the front line. On 2 March, Pakistan closed the border at the Chaman crossing with south-western Afghanistan. This was followed by sporadic closures trapping vulnerable refugees on both sides. The border had previously been closed due to security clashes. Border closures increase the risks for asylum seekers of exploitation by human traffickers and criminal networks: affecting security in Afghanistan, Pakistan and beyond. They also incur higher costs for mobility; but the sheer precariousness of their situation drives Afghans to accept higher financial burdens, with severe long-term consequences.

## **Iran**

Iran has close cultural, linguistic, religious and socioeconomic ties with Afghanistan, particularly its shared Shia population. While Tehran has long provided a degree of sanctuary for Afghans in search of security, it also utilises the refugee issue as a mechanism for gaining political leverage within the international community. This strategy has been especially important following the US withdrawal from the JCPOA. It has dangerous ramifications for Afghan security and the wider region.

Like Islamabad, Tehran tries to balance covert support for the Taliban with that for peace in Afghanistan. The Taliban segue into this balancing act through outreach to Afghanistan's Shia minorities. It recently appointed Malawi Mahdi Mujahid, an ethnic Hazara Shia, as a shadow district governor in the northern province of Sar-e-Pul. There are also reports that Mohammad Ibrahim Taherian, Iran's special representative to Afghanistan, has had regular contact with Taliban leaders<sup>39</sup>; as well as other Afghan leaders<sup>40</sup> including Salahuddin Rabbani, head of Jamiat-e-Islami, and Abdul Rasul Sayyaf, chief of the Islamic Dawah Organisation (Hizb Ittehad-e-Islami). In the wake of the US-Taliban deal, some Taliban leaders allied with Tehran are reportedly trying to sabotage the peace process.<sup>41</sup>

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<https://www.amnesty.org/en/latest/news/2019/06/afghanistan-refugees-forty-years/>.

<sup>38</sup> HRW, Pakistan coercion.

<sup>39</sup> Tehran Times. (2020). Iranian special envoy holds phone talk with Taliban officials. 6 May. <https://www.tehrantimes.com/news/447608/Iranian-special-envoy-holds-phone-talk-with-Taliban-officials>

<sup>40</sup> Mehr News Agency. (2020). Iranian envoy meets with different Afghan sides. 21 April. <https://en.mehrnews.com/news/157839/Iranian-envoy-meets-with-different-Afghan-sides>

<sup>41</sup> Bezhan, F. (2020). 'Iranian links: New Taliban splinter group emerges that opposes U.S. peace

Public discourse around Afghan refugees in Iran is frequently negative. They are often misleadingly associated with narcotics, crime, trafficking and terrorism. Iran shares almost 1000 km of joint borders with Afghanistan. In contrast with the contested Durand Line, Tehran and Kabul have no major disagreements over territory; but disputes over resources, particularly water allocation from the Helmand River, lead to tension in relations including conflict over refugees.

Both nations are adversely affected by climate change, drought and sub-optimal water management practices, which have knock-on effects for agriculture and food security. Water, terrorism and refugees are all politicised. With annual water reserves of almost 75bn cubic metres, Afghanistan should theoretically be self-reliant here.<sup>42</sup> But climate change, mismanagement and a lack of appropriate infrastructure, among other factors, militate against this: so much so that Afghanistan has one of the lowest water retention and storage capacities in the world.<sup>43</sup>

Under a bilateral treaty with Afghanistan in 1973, Iran was allocated 820m cubic metres of water annually;<sup>44</sup> yet monitoring this has been deficient because of war. The Kajaki dam in Helmand province, for example, was designated as a measuring point for annual water flow to Iran - but for long periods, was inaccessible to Afghan officials because of Taliban control of the area. As droughts and water shortages have become more acute in many parts of Afghanistan, local residents in Helmand have become increasingly opposed to the allocation of water to Iran.<sup>45</sup> Kabul claims that in 2017 alone, Iran received more than 3bn cubic metres from Afghanistan.<sup>46</sup> Tehran refutes this estimate; the dispute lingers.

The Afghan government has also accused the Islamic Revolution Guards Corps of supplying arms and support to Taliban factions which sabotaged dam projects in south-western Afghanistan.<sup>47</sup> President Rouhani, like President Ahmadinejad before him, has accused Afghanistan of causing damage to Iran's environment through dam construction. Afghanistan's Ministry of Energy and Water rejected this, noting that the Afghan economy is heavily reliant on agriculture and water management to strengthen it and reduce poppy cultivation. These efforts are essential in reducing the flow of refugees into Iran.<sup>48</sup>

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deal. *Radio Free Europe*. 9 June. <https://www.rferl.org/a/afghanistan-taliban-splinter-group-peace-deal-iranian-links/30661777.html>

<sup>42</sup> Sadat, S. H. and N. Sayed. (2020). Afghanistan and Iran: From water treaty to water dispute. *The Interpreter*. 14 October. <https://www.lowyinstitute.org/the-interpreter/afghanistan-and-iran-water-treaty-water-dispute>

<sup>43</sup> Ibid.

<sup>44</sup> Jain, R. (2018). In parched Afghanistan, drought sharpens water dispute with Iran. *Reuters*. 17 July. <https://www.reuters.com/article/us-afghanistan-iran-water-idUSKBN1K702H>

<sup>45</sup> Stanikzai, Z. (2018). Helmand to release Kajaki Dam water to Nimroz farms. *Pajhwok Afghanistan News*. 4 April. <https://www.pajhwok.com/en/2018/04/04/helmand-release-kajaki-dam-water-nimroz-farms>

<sup>46</sup> Ibid.

<sup>47</sup> Majidiyar, A. (2018). Water crisis fueling tension between Iran and its neighbors. *Middle East Institute*. 28 February. <https://www.mei.edu/publications/water-crisis-fueling-tension-between-iran-and-its-neighbors>

<sup>48</sup> BBC News (Persian). (2017). Afghanistan says construction of dams in the country should not be viewed as a matter of concern by Hasan Rouhani. 5 July. [https://www.bbc.com/persian/afghanistan-40507469?ocid=socialflow\\_twitter](https://www.bbc.com/persian/afghanistan-40507469?ocid=socialflow_twitter)

Disputes over water inflame negative portrayals of Afghan migrants and refugees and increase tensions between them and the Iranian communities in which they live. A Majlis representative from Iran's Khorasan province unfairly claimed: 'We have close to 4 million Afghans in Iran. If each person uses daily 100 litres of water, the Afghans living in Iran use 400 million litres'.<sup>49</sup>

Narcotics are also a key issue. Drought encourages Afghan farmers to grow poppies, which are highly lucrative and consume little water. Iran has allocated substantial resources to anti-narcotics campaigns, not least because opium addiction is a major problem. Yet Iran remains a principal transit route from Afghanistan. The conflation of refugees with drug smuggling constitutes a significant challenge for Afghans living in or travelling to Iran.

Data from the UN shows that approximately 1m Afghans reside in Iran.<sup>50</sup> Iranian authorities claim over twice this number: some 2.5m.<sup>51</sup> Almost a million Afghans, who live legally in Iran, have been granted temporary permits: also known as Amayesh cards. Card holders are required to renew them annually. According to Tehran, the Amayesh programme grants Afghans the right to residence, healthcare and free education for their children. Card holders can access employment and limited property rights. At the end of 2018, Iranian officials claimed that approximately half a million Afghans were in Iranian schools: including 125,000 students allowed to register to attend classes despite being undocumented.<sup>52</sup> Tehran stated that this cost \$2/day for each Afghan refugee.<sup>53</sup> However, because of the restricted visa regime and strict controls on independent research, verifying official data in Iran is highly problematic.

The most recent data from the International Organisation for Migration (IOM) indicates that a total of 602,850 undocumented Afghans have returned from Iran (597,717) and Pakistan (5133) since 1 January 2020.<sup>54</sup> It is unclear what number of Afghans also returned from Iran and Pakistan with valid visas and/or passports. Yet it is safe to assume that the number of undocumented Afghans far exceeds those who returned with valid documentation.

Iran became one of the epicentres for Covid-19 earlier this year. As the pandemic gripped the world, many Afghans living in Iran rushed to return. The first recorded Covid-19 patient in Afghanistan was reportedly someone who had returned from Iran. At the height of the first wave of the pandemic, as thousands returned, the Afghan government and international agencies struggled with data-keeping and tracing of returnees who might have had symptoms of Covid-19 or acted as carriers. Notably, the pandemic fully

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<sup>49</sup> Aman, F. (2016). Water dispute escalating between Iran and Afghanistan. *Atlantic Council South Asia Center*. August 2016. [https://www.atlanticcouncil.org/wp-content/uploads/2016/09/Water\\_Dispute\\_Escalating\\_between\\_Iran\\_and\\_Afghanistan\\_web\\_0830.pdf](https://www.atlanticcouncil.org/wp-content/uploads/2016/09/Water_Dispute_Escalating_between_Iran_and_Afghanistan_web_0830.pdf)

<sup>50</sup> UNHCR. Islamic Republic of Iran. <https://reporting.unhcr.org/node/2527>

<sup>51</sup> Ibid. Refugees in Iran. <https://www.unhcr.org/ir/refugees-in-iran/>

<sup>52</sup> Minister A. Hajizad. (2018). Report at 'People on the Move' conference, Geneva Conference on Afghanistan. November.

<sup>53</sup> Ibid.

<sup>54</sup> IOM. (2020). Return of the undocumented Afghans. Weekly situation report, 27 September -3 October. [https://afghanistan.iom.int/sites/default/files/Reports/iom\\_afghanistan-return\\_of\\_undocumented\\_afghans\\_situation\\_report\\_27\\_sep-03\\_oct\\_2020.pdf](https://afghanistan.iom.int/sites/default/files/Reports/iom_afghanistan-return_of_undocumented_afghans_situation_report_27_sep-03_oct_2020.pdf)

illustrates the artificialness of the categorisation of 'forced' and 'voluntary' returns.

High profile cases of heinous abuse of Afghan refugees by Iranian border security guards, including drownings in the Harirud River and shootings, tarnish Iran's reputation for refugee protection.<sup>55</sup> Afghan Foreign Minister, Hanif Atmar, visited Tehran in June to address the crisis. Iran has sought to mitigate international condemnation over its treatment of refugees in a quest to expand its political, religious and economic influence in Afghanistan. On the other hand, the US campaign has turned Afghan refugees into bargaining chips. In 2019, Iran's Deputy Foreign Minister, Seyed Abbas Araghchi, said 'it is possible that we ask our Afghan brothers and sisters to leave Iran'<sup>56</sup> if American sanctions make it impossible to export oil. This statement illustrates the callous way in which millions of Afghan refugees and migrants are deployed for political leverage. Threats of mass deportation are also implicit as regards Europe and the UK. If this scenario unfolds, most Afghans in Iran would seek refuge in another state; in many cases, with the aim of reaching Europe.

### ***Afghan Government Policies: Addressing Security and the Problem of Returns***

In response to European and regional demands and very high numbers of returns, the Afghan government has attempted to develop a conceptually rich strategy to address internal and regional displacement, as well as returns from further afield. The aim is durable reintegration of all categories of displaced people, including IDPs. The Comprehensive Migration Policy (CMP) falls under the rubric of the Afghanistan National Peace and Development Framework (ANPDF)<sup>57</sup>, recently updated to include 24 deliverables under the Self-Reliance and Mutual Accountability Framework (SMAF). This strategy theoretically connects displacement, migration, return and reintegration with efforts to achieve peace, development and self-reliance.

Afghanistan's National Priority Programmes, especially the Citizens' Charter, are integral to these efforts. The intention is to interweave return and reintegration with bottom-up community development. Local consultative mechanisms encourage communities to prioritise their needs and resolve conflicts. The Citizens' Charter treats all community members holistically, mitigating against conflicts generated by reintegration. In practice, however, stigmatisation of those who have lived abroad is hard to prevent. The Charter further aims to provide cash grants and opportunities for temporary paid work, to buffer individuals and their families against seasonal hunger, especially in winter.

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<sup>55</sup> Bezhan, F. (2020). 'Afghan Lives Matter': Gruesome deaths of Afghan migrants in Iran unleash outrage. *Radio Free Europe*. 11 June. <https://www.rferl.org/a/iran-afghan-lives-matter-migrants-deaths-outrage/30665907.html>

<sup>56</sup> Mashregh News Online. (2019). Reactions to comments by Deputy Minister Araghchi on refugees from Afghanistan. 9 May (article in Persian).

<https://www.mashreghnews.ir/news/957512/تصاویر-افغانستان-مهاجران-درباره-عراقی-اظہارات-بہ-ہا-واکنش>

<sup>57</sup> Islamic Republic of Afghanistan. Ministry of Finance. Afghanistan National Peace and Development Framework. <http://policymof.gov.af/home/afghanistan-national-development-framework/>

However, in contrast with the experiences of Afghan returnees in neighbouring countries and the EU, the Citizens' Charter only meets the bare minimum of needs. Although long-term employment schemes and land development have been explored as additional measures, little has been implemented. Undoubtedly, loss of remittances to families and wider communities due to return has serious consequences. Remittances complement overseas development aid, which is now expected to fall in the context of shrinking economies and the continuing global pandemic.

Citizens' Charter Cities are also leveraged by the CMP to cover the complex needs of urban settlements, where most displaced go. These programmes align with the Comprehensive Refugee Response Framework (CRRF)<sup>58</sup>, approved in one of the two key annexes to the New York Declaration for Refugees and Migrants, adopted in September 2016 by the UN General Assembly. It aims to strengthen protection for refugees and host communities; promote the engagement of government and non-governmental stakeholders; and encourage long-term policy solutions. It emphasises tailored, contextualised responses to refugee movement.

Although Afghan policy rhetoric has sought to depict the return of its displaced peoples as an 'opportunity' and framed returnees as 'assets' to the homeland, the realities are bleak. Returnees are confronted by violence and protracted war; weak, ineffective governance; lack of economic opportunities; acute poverty; lack of suitable accommodation. All these challenges render the very notion of return dangerous and unsustainable.

The complexity of migration and returns in post-conflict settings is understudied<sup>59</sup>, but emerging ethnographic research indicates there are no 'one-size-fits-all' solutions.<sup>60</sup> Competition for scant resources and grievances over lost assets may be a source of new conflicts. Returnees can also exacerbate existing conflicts and instability. Research further highlights the problem of 'refugee spoilers', where peace settlements can collapse due to resentments at local level against stakeholders.<sup>61</sup> Certainly, many returnees encounter more violent conditions in the 'homeland' than the circumstances which forced them to leave Afghanistan in the first place. The possible return of the Taliban to political power, and the envisaged integration of ex-fighters into mainstream society, is likely to be abhorrent to many returnees: who suffered violence from the insurgency or lost loved ones in Taliban attacks.

It is also important to note that transitional justice is not a priority in intra-Afghan dialogue; 'organic reconciliation' is unlikely to suffice. Combining unpredictable numbers of refugee and migrant returns from Iran, Pakistan and further afield will undoubtedly generate new tensions and stretch brittle security.

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<sup>58</sup> UNHCR. Comprehensive Refugee Response Framework.

<https://www.unhcr.org/uk/comprehensive-refugee-response-framework-crrf.html>

<sup>59</sup> IOM. (2019). World Migration Report 2020.

[https://www.un.org/sites/un2.un.org/files/wmr\\_2020.pdf](https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf)

<sup>60</sup> Majidi, N. (2017). From forced migration to forced returns in Afghanistan: Policy and program implications. *Transatlantic Council on Migration*. November.

<https://reliefweb.int/sites/reliefweb.int/files/resources/TCM2017-Afghanistan-FINAL.pdf>

<sup>61</sup> Parent, N. (2020). 'From exile to homeland return: Ethnographic mapping to inform peacebuilding from afar. *Stability: International Journal of Security and Development* 9(1): 7.

This combustible mix could in turn reignite a refugee crisis (this time overlaid by the risks of Covid-19) for Pakistan and Iran, destabilising an already unstable region: with cascading consequences for the EU and UK.

Both political and economic security in Afghanistan depend upon carefully calibrated repatriation. Yet symmetrical power relations and mutually beneficial regional connectivity with Pakistan and Iran cannot be achieved while millions of Afghans are either documented or undocumented refugees in both countries. Afghanistan's CMP acknowledges the need to establish workable consultation mechanisms with UN oversight to facilitate control of illegal and legal migration. As the UK government refines its policies towards Afghanistan, deeper scrutiny, engagement with, and support of existing mechanisms will be essential.

## ***Recommendations***

### *1. Supporting Regional Strategies*

The UK backs the support platforms launched at the Global Refugee Forum (GCR), including regional platforms for Afghan refugees. The GCR provides for different types of contributions to the SSAR<sup>62</sup> to aid voluntary repatriation, sustainable reintegration and assistance to host countries. The SSAR calls for a comprehensive approach that interweaves humanitarian and development interventions and targets support to both recipient and host communities. Voluntary repatriation is not straightforward: the line between voluntary and involuntary is blurred. A large proportion of those returning to Afghanistan feel they have no choice. The SSAR stipulates that return must occur in conditions of dignity and safety; and that any process outlines the 'favourable conditions' for returns, including economic opportunity, security, access to health and education. The SSAR framework requires evaluation of these conditions but in practice, they are almost never met. Moreover, the long-term socioeconomic impact of Covid-19 is expected to be especially dire for Afghanistan, Iran and Pakistan alike.

The UK should emphasise the conditionality of return and more closely scrutinise implementation of the SSAR: which has been hugely weakened by the difficult problem of shared responsibility. The UK is interested in the Core Group of states supporting SSAR; but is not a member. Instead, it has expressed willingness to offer political and facilitation support. This should be made concrete as follows:

- Mobilising stakeholders, including traditional and non-traditional donors, financial institutions, and the private sector. It should encourage more predictable and sustained financial, political and technical support.
- Recently, the security situation in Afghanistan has resulted in the 'bunkerisation' of British personnel and critical lacunae in data. UK diplomatic missions in the region work closely on various security and development issues. Data sharing on Afghan refugees in Pakistan and Iran

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<sup>62</sup> The SSAR was launched in 2012 by the Afghan, Iranian and Pakistani governments, along with UNHCR.



between the British Embassy in Kabul and UK diplomatic missions in Islamabad and Tehran should be encouraged. This can function as a useful information resource.

- Real insight into the Afghan refugee situation and impact of relevant responses requires systematic visits to field locations in Iran, Pakistan and Afghanistan.
- Supporting the convening of solidarity events, campaigns and conferences.
- Seeking to ensure that the overall coherence of humanitarian and development investments contributes to the achievement of solutions for refugees. Here, close support for the CMP and Citizens' Charter in Afghanistan would be beneficial.
- The SSAR explicitly recognises the tight connections between refugees, regional security, peace and stability in Afghanistan. It facilitates investments in 20 Priority Areas for High Return and Reintegration (PARRs), identified through the Ministry of Refugees and Repatriation (MoRR). This is conceptualised as a confidence-building measure to support the emerging peace process. The UK could provide advice, expertise and facilitation support here.
- In 2018 The UK Department for International Development (DFID), the Centre for Disaster Protection and the International Rescue Committee's Airbel Center convened an Innovation Lab to develop creative financing solutions that could inform emerging global frameworks.<sup>63</sup> The lab brought together development, humanitarian, finance and insurance experts to consider how non-traditional financing mechanisms could be deployed. They adapted the existing capital and insurance markets to develop new instruments integrating public and private funding. The focus is on contextualised and timely responses to refugees. These solutions address current and anticipated risks and include different forms of disaster management -for example climate change and epidemics- adding a preventative layer to risk management. While these approaches still have multiple limitations, this is an important area for government engagement going forward.
- The UK trilateral forum with Afghanistan and Pakistan, under the former Prime Minister, David Cameron, offered a unique opportunity to facilitate dialogue between the two neighbouring countries. This focused on initiating a peace process in Afghanistan, with full support from Pakistan. Britain should examine any lessons learnt from it, and revitalise it: with a view to expanding its remit to include economic and regional integration issues, in addition to the peace process.

## *2. Pakistan and Iran*

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<sup>63</sup> Centre for Disaster Protection (2019) 'Innovative Financing for Responses to Refugee Crises'. [https://static1.squarespace.com/static/5c9d3c35ab1a62515124d7e9/t/5d13861d5123bb00012aa10a/1561560615654/Briefing+paper\\_Innovative+Financing+for+Responses+to+Refugee+Crises.pdf](https://static1.squarespace.com/static/5c9d3c35ab1a62515124d7e9/t/5d13861d5123bb00012aa10a/1561560615654/Briefing+paper_Innovative+Financing+for+Responses+to+Refugee+Crises.pdf) f. (accessed 18 Oct. 2020).

Afghan refugees and asylum seekers require more consistent protection and assistance from Pakistan and Iran and by extension, the international community. Their need is especially acute amid the pandemic.

The UK should exercise its influence on Pakistan and Iran to ensure that Afghan refugees are subject to the universally binding, customary law rule of non-refoulement: which binds both countries not to return anyone to a place where they would confront real risk of persecution, torture or other ill treatment, or threat to life. This includes an obligation not to pressure individuals, including registered refugees, into returning to such places.

The UK should support the facilitation of healthcare for Afghan refugees and migrants in Iran and Pakistan, incorporating their needs into Covid-19 relief packages.

It should also use its influence to support policy reforms and create a new legal status for the children of Afghan refugees born in Pakistan, who are currently stateless. A revised version of legal status could include codified rights to rent and own property, access healthcare and education, among other benefits. Legal status would not include voting rights or a Pakistani passport but could allow visa-free re-entry into Pakistan.

## **Part II**

### **Question 11: What are the prospects for the return of the almost 2.5 million registered refugees from Afghanistan?**

*(Part II of this submission focuses on returns of Afghan refugees from Europe. It analyses lessons learnt from European policy as the UK disengages from the EU and reformulates policy on migration and asylum.)*

#### **Overview**

War, insecurity, instability, fragile governance and the economy are potent causes of the migration of tens of thousands of Afghans. An imbalanced emphasis on deterrence, detention and return will not solve the problem of 'irregular migration' from Afghanistan. Flexible, nuanced policy which considers the socioeconomic and political conditions on the ground is a more constructive approach. Careful analysis of the causes of forced displacement and multidimensional support for peace-building, capacity-building, reintegration of returnees and IDPs, accountable governance and transparent spending of aid should be interwoven into migration and asylum policy.

Calibrated support for regional actors who are the principal hosts for Afghan refugees and migrants is essential. However, 'franchising out' / externalising the refugee problem to third countries is not a long-term solution. The examples of Turkey, Pakistan and Libya all illustrate failure in shifted responsibility and the costs for vulnerable refugees. Structural issues have multiple negative

consequences, rendering externalisation unsustainable. The Global Compact on Refugees therefore calls for more equitable sharing of responsibility.

As the UK refines its policies on migration and asylum, appreciating the British-Afghan diaspora, who make vital contributions in terms of remittances and other forms of support to Afghanistan, is also fundamental. Moreover, the serious consequences for Afghan refugees and those of other nationalities from a no deal Brexit must be factored into policy planning.

### **UK, EU and Afghanistan Migration**

Two key deals are important in understanding European attempts to control migration from Afghanistan: the EU-Turkey Deal<sup>64</sup> and Joint Way Forward (JWF), both signed in 2016. The former is designed to stop the flow of migrants from Turkey into Europe, while the latter focuses on returns from the EU to Afghanistan. Although both deals are being extended, they are problematic because of the inconsistent protections they offer to Afghans on the move and their lack of counterbalance through adequate provisions for legal pathways.

Turkey's geostrategic position has made it host to the largest refugee population in the world: over 4m registered and an estimated 1m unregistered refugees. War in Afghanistan, Syria and Iraq have all contributed to these numbers.<sup>65</sup> Ankara welcomed the deal with the EU as a cooperative measure to ease the strain. It was also promised revitalised EU accession talks, visa liberalisation and customs reform. The European Commission (EC) and Member States pledged €6bn in grants to support integration and bolster border security. These funds go to targeted projects rather than directly to the Turkish government, a point of contention. Turkey is now seeking a direct funding mechanism.

For Europe, the deal was conceptualised as a mechanism to control the flow of refugees and migrants arriving from Turkey via the Greek islands. The 'one in, one out' formula is at the centre of this: every person arriving irregularly in the Greek islands – including asylum-seekers – must be returned to Turkey. In exchange, EU Member States pledge to take one registered Syrian asylum seeker from Turkey for every Syrian returned from the islands.

In practice, the deal has been sub-optimal. Relatively few displaced people in Turkey are eligible for resettlement; the pace of transfers is extremely slow. Only 5% of non-Syrians returned from Greece in September 2017 were able to apply for asylum in Turkey, and just 2% were granted refugee status.<sup>66</sup> By January 2019, more than two-thirds of non-Syrians returned from Greece had been deported to their countries of origin, despite ongoing war and violence. Afghanistan has faced some of the highest levels of returns.

Turkey is a transit hub and significant host nation for Afghan refugees. In 2019, Afghans were the second largest group of refugees and asylum seekers there.<sup>67</sup>

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<sup>64</sup> European Council. (2016). EU-Turkey statement, 18 March 2016.

<https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

<sup>65</sup> Sazak, S. (2019). Turkey can't host refugees forever. *Foreign Policy*, 27 August.

<https://foreignpolicy.com/2019/08/27/turkey-cant-host-syrian-refugees-forever-erdogan-assad-idlib-hdp-chp-imamoglu/>

<sup>66</sup> Long, O. (2018). The EU-Turkey Deal: Explained. *Help Refugees*. 5 April.

<https://helprefugees.org/news/eu-turkey-deal-explained/>

Most Afghans arrive following dangerous, fragmented travel through Pakistan and Iran. They live in omnipresent fear of deportation. They have restricted freedom of movement, few formal job opportunities, inadequate access to legal advice and protection, and face prolonged delays in registration and obstacles in accessing official documentation, accommodation and healthcare.

In 2017, 3,734 Afghans were returned with IOM support from Turkey and Europe (country breakdowns are unavailable). The following year, 2,182 Afghans returned: including many more from Turkey (1193), and far fewer (401) from Germany. In 2018, Turkey started forcible mass deportations of Afghans, deporting around 5000 individuals (all *without* IOM assistance).

Between 1 January and mid-April 2019, 4,219 Afghans were returned from the EU and Turkey. Of this figure, the majority – some 3,560 – were forcibly returned from Turkey: again without IOM support.<sup>68</sup> Taken as a whole, most returns were thus conducted *without* IOM monitoring, including follow-up on what happened to returnees after arrival in Afghanistan. Save the Children has also shown that the numbers of children returned is generally unknown. They arrive without reintegration plans or educational opportunities, reinforcing the cycle of emigration.<sup>69</sup>

In the short term, the EU-Turkey deal was hailed as a 'success': by 2019, 'irregular arrivals' were down by 97%.<sup>70</sup> However, this must be evaluated against international conventions. The deal contravenes the European Convention on Human Rights, which prohibits the collective expulsion of aliens.<sup>71</sup> It also violates the 1951 Refugee Convention, which recognises that seeking asylum can cause refugees to breach immigration rules.<sup>72</sup>

As in the cases of Pakistan and Iran, Turkey has at times used Afghans and other nationalities as bargaining chips, threatening to open its borders to allow refugees to 'flood' Europe<sup>73</sup>: for example, when the EU voted to freeze membership talks in 2016.<sup>74</sup> In March 2020, Ankara again suspended controls of Turkey's borders with Greece and thousands of migrants gathered at the frontier with Europe. The mini exodus was live streamed by Turkish authorities to

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<sup>67</sup> Mixed Migration Centre. (2020). Destination unknown: Afghans on the move in Turkey. June. [https://reliefweb.int/sites/reliefweb.int/files/resources/115\\_destination\\_unknown\\_research\\_report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/115_destination_unknown_research_report.pdf)

<sup>68</sup> AAN. (2019). Thematic dossier XXII: Afghan immigration to Europe and beyond. 25 June. <https://www.afghanistan-analysts.org/en/dossiers/thematic-dossier-xxii-afghan-migration-to-europe-and-beyond-2/>

<sup>69</sup> Save the Children. (2018). From Europe to Afghanistan: Experiences of child returnees. 16 October. <https://resourcecentre.savethechildren.net/node/14238/pdf/sc-from-europe-to-afghanistan-screen-1610.pdf>

<sup>70</sup> European Commission. (2019). EU Turkey statement three years on. March. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318\\_eu-turkey-three-years-on\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20190318_eu-turkey-three-years-on_en.pdf)

<sup>71</sup> Council of Europe. (1963). Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms. 16 September. <https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/rms/090000168006b65c>

<sup>72</sup> Ibid.

<sup>73</sup> DW. (2016). Erdogan threatens to open borders after European Parliament vote. 25 November. <https://www.dw.com/en/erdogan-threatens-to-open-borders-after-european-parliament-vote/a-36518509>

<sup>74</sup> Ibid. Majority of European Parliament votes to freeze EU membership talks with Turkey. 24 November. <https://www.dw.com/en/majority-of-european-parliament-votes-to-freeze-eu-membership-talks-with-turkey/a-36503988>

enhance the effects. This time, the move was intended to gain support for President Erdoğan's military operations in northern Syria.<sup>75</sup> In response, Greece suspended all asylum claims for a month and deployed troops on its borders to keep out migrants. In the crossfire, refugees were exposed to conditions which completely violated humanitarian standards for protection. Erdoğan's weaponisation of refugees amounts to blackmail. Turkey's actions are not those of a responsible humanitarian actor.

Europe's tensions with Turkey underscore the risks of externalising aspects of migration management to third country actors: currently being considered by the UK as it revises its policies on migration and asylum. The 2016 EU-Turkey deal is among numerous cases of wealthy nations externalising the protection and hosting of refugees to low- and middle-income countries. The principle of non-refoulement is enshrined in Article 33 of the Refugee Convention. It encodes the legal and moral responsibility not to expel or return refugees or asylum seekers to a country in which they are liable to be subjected to persecution.

Externalisation offers a specious alternative. It is deployed by Australia through offshore detention centres in Nauru and Papua New Guinea's Manus island. Europe uses similar externalisation strategies through arrangements with Libya, Niger, Ethiopia, Mali, Nigeria and Senegal.<sup>76</sup>

The recent fire that destroyed the Moria refugee camp on the Greek island of Lesbos is indicative of Europe's failure to cope with the asylum crisis. Severe overcrowding meant that the camp was at four times its capacity: with over 11,000 refugees, including 4,000 children, 400 of whom were unaccompanied. 75% of the camp's inhabitants were Afghans. Four are now accused of arson with intent.<sup>77</sup> Last year, Greece passed a new asylum law which allows for increased use of detention for asylum seekers and can be extended for up to three years. The authorities also plan to replace existing EU 'hotspot' camps on the Greek islands with 'closed' or 'controlled' camps, which amount to detention centres. These measures do not offer durable or humane solutions.

The EU-Turkey deal was originally designed to create breathing space for Europe in the context of the migration crisis, so that sustainable, equitable plans could be drawn up to address refugee protection and management. It will expire in 2021; and despite combative rhetoric between the EU and Turkey, is likely to be renegotiated. The bloc is now confronting the fallout from the pandemic and the post-Brexit reduction in available funding. It cannot afford a recurrence of the 2015 crisis. In the meantime, Brussels' attempts to revise migration policy via the 'new pact on migration' are unsatisfactory and have failed to garner the requisite support from Member States.

Since 2016, the UK has supported the EU-Turkey deal and is likely to continue to offer financial and material support going forward. It would be advisable to

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<sup>75</sup> Stevis-Gridneff, M. and C. Gall. (2020). Erdogan says, 'we opened the doors', and clashes erupt as migrants head for Europe'. *The New York Times*. 29 February.

<https://www.nytimes.com/2020/02/29/world/europe/turkey-migrants-eu.html>

<sup>76</sup> Tagliapietra, A. (2019). The European migration crisis: A pendulum between the internal and the external dimensions. (2019). *IAI*. 12 June.

[https://www.jstor.org/stable/resrep19673?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/resrep19673?seq=1#metadata_info_tab_contents)

<sup>77</sup> The New York Times. (2020). Afghan migrants charged with arson in fires that destroyed Lesbos camp. 16 September. <https://www.nytimes.com/2020/09/16/world/europe/afghan-migrants-charged-arson-lesbos.html>

increase funding to help Turkey support Afghan refugees and those of other nationalities. Funding of carefully scrutinised projects is preferable to assenting to Turkey's demands for it to be channelled through its government. Through its trade policy, the UK could also adopt integrated approaches to improve refugees' access to sustainable livelihood opportunities. Monitoring of deportations from Turkey and follow-up on what happens to returnees is also essential.

### *The JWF*

European policymakers are currently negotiating an extension of the JWF, the asymmetrical deal made between the EU and Afghanistan in 2016. Critics contend that the EU essentially made development aid contingent upon acceptance of returns, to force the Afghan government to agree to its conditions. Although aid to Afghanistan has fallen, and domestic revenues have increased in comparative terms, it is still a disproportionate part of the government's budget. Estimates for the 2020 budget indicate that 48% of Afghanistan's budget will be funded by aid.<sup>78</sup> Given the country's extreme dependence upon it, policymakers in Kabul therefore had no real choice but to accept the JWF.

Legal pathways are available to Afghans arriving in Europe; but critics note that acceptance numbers are comparatively low given the violent conditions in the country. There are glaring differences in levels of support offered by EU Member States. Last year, Afghans were the second largest group (after Syrians) of asylum seekers<sup>79</sup> in the EU.<sup>80</sup> This has been a consistent pattern since 2015. Both then and in 2016, 600,000 Afghans applied for asylum in the EU. In 2017, the number fell to 43,625 first-time asylum applications. In 2018, there were 41,000 applications (7% of the EU total).

In 2019, the total number of asylum seekers granted protection in the EU comprised 141,100 grants of refugee status (48% of all positive decisions); 82,100 grants of subsidiary protection (28%); and 72,700 grants of humanitarian protection (25%). Germany granted protection status for 116,200 (39% of all positive decisions); ahead of 42,100 in France (14%); 38,500 in Spain (13%); and 31,000 (10%) in Italy. Together, these four Member States supplied over three-quarters of all positive decisions issued in the EU.<sup>81</sup> In contrast, countries such as Hungary and Bulgaria make negligible contributions.

For Afghans who fail to meet EU migration and asylum criteria, detention and deportation are the ultimate response. The JWF has a disproportionate emphasis on deportation of Afghans from Europe, amid criticisms that in the current security situation, return can amount to refoulement. In 2020, the Global Peace Index<sup>82</sup> ranked Afghanistan as the world's least peaceful country. Despite hopes

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<sup>78</sup> Islamic Republic of Afghanistan. (2020). Ministry of Finance. National Budget Fiscal Year 1399. [http://www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1399\\_Budget/MasterEnglish.pdf](http://www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1399_Budget/MasterEnglish.pdf)

<sup>79</sup> Asylum is a form of international protection given by a state on its territory. It is granted to a person who is unable to seek protection in his/her country of citizenship and/or residence, in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

<sup>80</sup> Amnesty International, Afghanistan's refugees.

<sup>81</sup> Eurostat. Asylum Statistics. [https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics)

<sup>82</sup> IEP. (2020). Global Peace Index 2020.

for the peace talks in Doha, the UN Mission in Afghanistan (UNAMA) documented 3,458 civilian casualties in its mid-year report.<sup>83</sup> The UN Office on Humanitarian Affairs (OCHA) estimated that almost one quarter of Afghanistan's population (9.4m of 38m) are in need of humanitarian assistance<sup>84</sup> - and this was prior to the pandemic.

What does deportation mean in this situation? Conflict and poverty are key drivers of migration. For Afghan women, any deal that emerges with the Taliban is likely to compromise already limited rights. Deportees are stigmatised because of their perceived 'contamination' of personal values, and exposure to the West. They are unable to repay debts incurred for their migration, leaving them vulnerable to violence.<sup>85</sup> History is replete with peace agreements that failed because of refugee 'spoilers'<sup>86</sup>; data also shows that hopelessness and lack of opportunity contribute to the circularity of return.<sup>87</sup>

Amid the pandemic, border controls place migrants, asylum seekers and refugees at further risk. Smugglers and traffickers become indispensable, heightening the spread of cross-border crime, along with potential for re-infection by refugees with no access to decent healthcare or the space for social distancing.

Linking continued foreign aid to an unbalanced concentration on deportation and returns is counter-productive to the long-term goal of reducing Afghan emigration. This approach fails to recognise the Afghan government's own priorities and is out of synch with the perceptions of migrants themselves. Despite difficult challenges, the Afghan government has worked to develop the Comprehensive Migration Policy (CMP) in response to European demands. The CMP holistically addresses returns from the regional neighbourhood and Europe, as well as internal displacement. However, Afghan governmental institutions lack capacity and adequate funding to cope with complex processes of reintegration amid ongoing violence and internal political fragmentation. Employment opportunities to secure even the most basic level of survival are also scant.

In such a context, the Afghan government has asked for mutually beneficial, comprehensive cooperation on migration, which acknowledges the positive perception of migration among the Afghan population in Afghanistan and Europe. Expanding cooperation on migration in this way would be in line with the EU's commitments to the Global Compact on Refugees (GCR) and its ambitions to develop a joint approach to resettlement.

*Outstanding questions on the UK and JWF*

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[http://visionofhumanity.org/app/uploads/2020/06/GPI\\_2020\\_web.pdf](http://visionofhumanity.org/app/uploads/2020/06/GPI_2020_web.pdf)

<sup>83</sup> UNAMA. (2020). Afghanistan: Protection of civilians in armed conflict: Midyear report, 1 January-30 June 2020. July.

[https://unama.unmissions.org/sites/default/files/unama\\_poc\\_midyear\\_report\\_2020\\_-\\_27\\_july-revised\\_10\\_august.pdf](https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2020_-_27_july-revised_10_august.pdf)

<sup>84</sup> OCHA. (2019). Afghanistan humanitarian needs overview 2020. 17 December.

<https://reliefweb.int/report/afghanistan/afghanistan-humanitarian-needs-overview-2020-december-2019>

<sup>85</sup> Schuster, L. & N. Majidi. (2013). What happens post-deportation? The experience of deported Afghans. *Migration Studies* 1(2): 221-40.

<sup>86</sup> Newman, E. & O. Richmond. (2006). Peace-building and spoilers. *Conflict Security and Development* 6(1): 101-110. <https://gsdrc.org/document-library/peace-building-and-spoilers/>

<sup>87</sup> Schuster & Majidi, What happens post-deportation?

We are not aware of comprehensive data in the public domain that would unequivocally substantiate the suppositions below. However, in view of the research for this written submission and the authors' wider engagement on EU migration policy analysis, the following points are presented as hypotheses.

1. Given its disengagement from the EU, it is unclear what part the UK could play in a re-negotiated version of the JWF. Of additional concern is the potential impact which both Brexit and the pandemic will have on UK government spending, including the international development budget. The UK is among few countries in the world to meet the UN target of spending 0.7% of GDP on foreign aid. Aid is an integral part of the JWF. Therefore, if the UK did participate in some revised form of the JWF, this area would require re-evaluation in terms of UK contributions. Likewise, if the UK were to develop a similar agreement, aid levels would also be an issue. If a different bilateral agreement on returns is negotiated between the UK and Afghanistan, it would be better to remove aid conditionality: which is harmful given Afghanistan's high dependence on it.

Conditions on the ground in Afghanistan will need to be re-evaluated following the Covid-19 outbreak. The Afghanistan Reconstruction Trust Fund (ARTF), the mechanism through which a large proportion of aid is channelled, will require closer monitoring. The Taliban's potential return to power remains a key unknown for future bilateral agreements with Afghanistan. UK policy needs to consider future prospects of bilateral relations with an Afghanistan in which an emboldened Taliban, with hawkish anti-Western views, could dominate the state's regional and international relations. A putative power-sharing arrangement with the Taliban will also raise questions about aid, in particular: is there broad ownership? Are existing and proposed approaches practically feasible, contextually relevant, equitable, politically and economically sustainable?

2. There is also uncertainty over returns. After Brexit, the UK would no longer be subject to EU rules such as the 2005 Asylum Procedures Directive and the Charter of Fundamental Rights, which restrict how Member States can deal with asylum seekers. However, many such EU rules codify wider international law - such as the 1951 UN Geneva Convention on Refugees and its amended 1967 Protocol - to which the UK would remain a signatory. Yet London could opt to break with the UN Convention and other international law on the question of non-refoulement. It is unclear what the Home Office plans in terms of a 'tougher and firmer' asylum and migration regime; and specifically, what that could mean for Afghans in the migration pathway.

### ***Revised UK migration and asylum policy after Brexit***

Despite media hyperbole over-estimating the number of migrants, the UK receives relatively low numbers of asylum applications in comparison with EU countries. In 2019, 35,566 such applications were made in the UK, down from a peak of 84,000 in 2002.<sup>88</sup> At the same time, delays in processing applications have increased significantly. Four out of five applicants in the last three months of 2019 waited six months or more for their cases to be processed. In 2018,

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<sup>88</sup> Refugee Action. Facts about refugees. <https://www.refugee-action.org.uk/about/facts-about-refugees/>



Afghans made up just 5% (1,349) of the total number of UK asylum applications; 59% were granted asylum.<sup>89</sup>

During its EU membership, the UK participated in the Common European Asylum System (CEAS), a framework to achieve common standards for the reception and the treatment of asylum seekers. However, it opted out of the most recent round of CEAS directives on reception conditions. A post-Brexit departure from the CEAS could have negative consequences for Afghan and other refugees and asylum seekers trying to enter the UK from the EU. Given the latter's partial replacement of the Dublin system by some form of 'tangible solidarity' that excludes the UK, there are concerns about the potential reduction in safe legal pathways. These include legal routes for the reunification of separated refugee families.

Unaccompanied and separated children (UNASC) under age 18 are also at risk of losing family reunion rights. While in the EU, the UK utilised the centralised EURODAC database for identification; but continued use is, at present, uncertain. A no deal Brexit could leave separated refugee families in legal limbo; safeguards are wholly inadequate.

The UK is now close to deploying a new 'safe return tactic', through which personnel would routinely render boats carrying migrants in the Channel inoperable, before utilising British vessels to return them to France.<sup>90</sup> This approach is one dimension of a four-stage plan to reduce the number of migrants coming to the UK. The plan includes helping dismantle camps, physically preventing entry to the UK, and reforming the asylum system to reduce Britain's 'pull factor'. Yet a focus on this is likely to be unsuccessful. Attention to the drivers and centrality of migration as a survival strategy for Afghans would be more fruitful. Another fundamental weakness is that France will not accept returns.

The transition period after Brexit comes to an end on 31 December 2020. The Home Office has been exploring a range of plans for offshore processing of asylum claims: including in the South Atlantic islands of Ascension and St. Helena (British territories 800 miles away), Moldova, Morocco or Papua New Guinea.<sup>91</sup> This approach draws on the Australian model for processing migrants noted above, which has incurred substantial criticism from human rights groups, the UN and the UK government itself.<sup>92</sup> The FCDO has reportedly raised objections based on legal, diplomatic and practical concerns. According to the Refugee Convention, if migrants are intercepted and removed, there are prohibitions against indirectly returning them to their country of origin. As with

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<sup>89</sup> The Migration Observatory. (2019). Migration to the UK: Asylum and resettled refugees. 8 November. <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

<sup>90</sup> Malnick, E. (2020). Migrant boats to be stopped with nets and sent back. *The Sunday Telegraph*. 11 October.

<sup>91</sup> Lewis, P., D. Pegg, P. Walker & H. Stewart. (2020). Revealed: No 10 explores sending asylum seekers to Moldova, Morocco and Papua New Guinea. *The Guardian*. 30 September. <https://www.theguardian.com/uk-news/2020/sep/30/revealed-no-10-explores-sending-asylum-seekers-to-moldova-morocco-and-papua-new-guinea>

<sup>92</sup> Ibid.

the EU-Turkey deal, refugee protections are compromised when externalisation to third country actors occurs.

For the EU, the issue of returns is at the heart of the New Pact on Migration and Asylum.<sup>93</sup> This outlines a flexible contribution system which permits Member States to choose between relocation of refugees, sponsorship for their return or operational support. The purpose is to mitigate the effects of the contentious quota system and allow for greater national autonomy in determining migration policies. The difficulty is that the new solidarity mechanism is dependent on members' voluntary participation. Moreover, neither financial support nor sponsorship for migrant returns can be equated with relocation. In the context of the pandemic and weakened economies, it seems logical that many Member States will opt for operational support over hosting migrants. That could mean increased numbers of detention and deportation.

The new pact does contain a safeguard mechanism for the hosting of migrants. If relocation pledges drop below 30% of the total need, the EU will ask Member States to revise their pledges to cover the shortfall. The risk is they do not accept this, leaving large numbers of refugees unplaced.

### *Diaspora Remittances*

Migration stakeholders increasingly recognise the importance of diasporas in complementing overseas development aid and furthering peace and wider security. Migrant remittances have been seriously underestimated by development specialists in the past, both quantitatively and qualitatively. In many cases, remittances can exceed overseas development assistance; they offer an alternative 'bottom-up' form of assistance, which can complement traditional 'top-down' approaches. Money transferred generally goes directly to families and communities in need, bypassing bureaucratic costs or funds being siphoned off by government corruption.

The UN has recognised the importance of remittances in development and achieving the Sustainable Development Goals (SDGs). It highlights the impact at household, community and national level, and the need to promote synergies between remittances and development and migration policy. At national level, the UN supports a revitalised Global Partnership for Sustainable Development – outlined in SDG 17 – while the Global Compact on Migration promotes collaboration across all sectors involved in remittances.<sup>94</sup>

However, the advantages offered by remittances are weakened by the costs of sending them. In 2009, the UK, together with other G8 countries, set out a target to reduce the average global cost of sending international remittances from 10% to 5% of the transaction amount within five years. Over a decade later, the UK is about halfway to achieving that goal: with the cost falling from 9.66% in 2009 to 7.12% by 2019. The current SDG aims to reduce this to 3% by 2030.<sup>95</sup> Afghanistan is the most expensive country to send money to from the

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<sup>93</sup> European Commission. New pact on migration and asylum.

[https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en)

<sup>94</sup> IDFR. Remittances and the SDGs. <https://familyremittances.org/remittances-and-the-sdgs/>

<sup>95</sup> The Migration Observatory. (2020). Migrant remittances to and from the UK. 11 May.

UK, mostly due to high fees associated with cash payments.<sup>96</sup> This area should also be considered as part of revised migration policy viz. Afghanistan.<sup>97</sup>

In April, the World Bank predicted a potential 20% drop in worldwide remittances as a consequence of Covid-19, the sharpest decline in recent history.<sup>98</sup> This points to a need to intertwine effective social protection systems for vulnerable populations in developing countries like Afghanistan with social protection interventions for migrant populations in host countries. The health and wellbeing of diaspora populations should be interwoven into comprehensive policy on migration and asylum.

Public Health England recently called for a review into disparities on the risks and outcomes of the pandemic for those from BAME backgrounds. An April 2020 report by the Intensive Care National Audit and Research Centre (ICNARC) found that 35% of Covid-19 related admissions to intensive care were of ethnic minority people, who were slightly more likely to die compared with white patients.<sup>99</sup>

Given those who self-identify as Asian, Black, mixed or other (including Afghans) make up 13% of the population in England and Wales, this is a huge over-representation. Critical race studies demonstrate the connections between inequality and multiple forms of deprivation (including overcrowded and poor housing, insecure employment, poverty, stress and racism) with health. In all these areas, the British-Afghan diaspora is at a serious disadvantage; yet the UK has wholly deficient data on it.

Key questions over the integration of diaspora affairs into UK migration and asylum policy include: how can Afghan diaspora members be effective agents in confronting the pandemic and intertwined humanitarian, recovery and development challenges in Afghanistan? How can hyper-local ties be built? What factors help transnational communities build up their resistance to shocks? How can resilience be strengthened?

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<https://migrationobservatory.ox.ac.uk/resources/briefings/migrant-remittances-to-and-from-the-uk/>

<sup>96</sup> Ibid.

<sup>97</sup> Hawala banking is legal in the UK. However, it must comply with regulations set in England and Wales. An established, regulated money transfer business must register with HMRC, ensuring it complies with UK money laundering regulations.

<sup>98</sup> The World Bank. (2020). World Bank predicts sharpest decline of remittances in recent history. 22 April. <https://www.worldbank.org/en/news/press-release/2020/04/22/world-bank-predicts-sharpest-decline-of-remittances-in-recent-history>

<sup>99</sup> Gumber, A. and L. Gumber. (2020). Rapid response: Differential effects of COVID-19 by gender and ethnicity. *BMJ*. 26 April. <https://www.bmj.com/content/369/bmj.m1548/rr-9>