

# Pakistan – Situation of Afghan refugees

# **Pakistan - Situation of Afghan refugees**

## **Country of Origin Information Report**

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# Acknowledgements

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The following national asylum and migration departments reviewed this report:

- The Netherlands, Office for Country Information and Language Analysis, Ministry of Justice (OCILA)
- Slovak Republic, Department of Documentation and Foreign Cooperation, Ministry of Interior
- France, Office for the Protection of Refugees and Stateless persons (OFPRA), Information, Documentation and Research Division (DIDR)
- Germany, Federal Office for Migration and Refugees (BAMF), Country Analysis.

The following external expert reviewed this report:

- Zia Ur Rehman is a Pakistan-based journalist and researcher on Pakistan, writing extensively for the New York Times and as a senior reporter with the News International (Pakistan's English newspaper).

It must be noted that the review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, but it does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EUAA.







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## Disclaimer

This report was written according to the EASO COI Report Methodology (June 2019).<sup>1</sup> It is based on carefully selected sources of information. All sources used are referenced. To the extent possible and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EUAA nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The first draft of this report was finalised on 17 March 2022. Some additional information was added during the finalisation of this report in response to feedback received during the quality control process, until 12 April 2022. More information on the reference period for this report can be found in the methodology section of the [Introduction](#).

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<sup>1</sup> EASO, EASO Country of Origin Information (COI) Report Methodology, June 2019, [url](#)



## Glossary and Abbreviation

<b>ACC</b>	Afghan Citizen Card: between August 2017 and February 2018 the Government of Pakistan, in collaboration with the Government of Afghanistan and with the support of IOM and UNHCR, carried out a country-wide exercise to identify undocumented Afghans. <sup>2</sup>
<b>ALAC</b>	Advice and Legal Aid Centre: ALACs are run by partners of UNHCR and are operational in all four provinces of Pakistan. <sup>3</sup>
<b>AMRS</b>	Afghan Management and Repatriation Strategy
<b>APAPPS</b>	Afghanistan Pakistan Action Plan for Peace and Solidarity
<b>ARC</b>	Alien Registration Card
<b>ARV</b>	Afghan Refugee Village <sup>4</sup>
<b>AVR</b>	Assisted Voluntary Return
<b>BHU</b>	Basic Health Unit
<b>CAMP</b>	Community Appraisal and Motivation Programme
<b>CAR</b>	Commissionerate for Afghan Refugees
<b>CCAR</b>	Chief Commissionerate for Afghan Refugees
<b>CNIC</b>	Computerised National Identity Card
<b>DAFI</b>	Albert Einstein German Academic Refugee Initiative
<b>DGIP</b>	Directorate General of Immigration and Passports
<b>DRIVE</b>	Documentation Renewal and Information Verification Exercise
<b>EC</b>	Encashment Centre
<b>GoP</b>	Government of Pakistan
<b>HEC</b>	Higher Education Commission

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<sup>2</sup> UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, [url](#)

<sup>3</sup> UNHCR, Pakistan: Legal Assistance and Aid Programme Update (1 January – 31 October, 2020), 30 November 2020, [url](#)

<sup>4</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 4; ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11



<b>IHC</b>	Islamabad High Court
<b>ISKP</b>	Islamic State Khorasan Province
<b><i>Katchi abadi</i></b>	Informal settlement
<b><i>Khpal Watan, Gul Watan</i></b>	‘One’s own country is like flower.’ <sup>5</sup> In July 2016, the Government of Afghanistan launched this campaign to encourage Afghan nationals to repatriate back to Afghanistan. <sup>6</sup>
<b>KP</b>	Khyber Pakhtunkhwa
<b><i>Madrassa</i></b>	Educational institution, particularly for Islamic religious instruction <sup>7</sup>
<b>MORR</b>	Afghan Ministry of Refugees and Repatriation
<b>MoU</b>	Memorandum of Understanding
<b>NADRA</b>	National Database and Registration Authority
<b>NAP</b>	National Action Plan: a plan established by the Government of Pakistan to eliminate terrorism <sup>8</sup>
<b>NGO</b>	Non-governmental organisation
<b><i>Nikah nama</i></b>	Marriage certificate for Muslims <sup>9</sup>
<b>PCM centre</b>	PoR Card Modification centre
<b>PCO</b>	Pakistan’s Population and Census Organization
<b>PoR card</b>	Proof of Registration card: an administrative document issued to registered Afghan refugees in Pakistan <sup>10</sup>
<b>RAHA initiative</b>	Refugees Affected and Hosting Areas Development: the RAHA programme was initiated in May 2009 by the Government of Pakistan in collaboration with UN-agencies. <sup>11</sup>
<b><i>Rahdari</i></b>	<i>Rahdari</i> can be translated as permit or permission to pass. The term is used for permits issued by local Pakistani authorities to

<sup>5</sup> Associated Press of Pakistan, Hosting Afghan Refugees a goodwill gesture of Pakistan towards Afghanistan, 11 December 2016, [url](#)

<sup>6</sup> Dawn, Kabul launches campaign to bring refugees back, 17 July 2016, [url](#)

<sup>7</sup> Collins Dictionary, Definition of madrassa, n.d., [url](#)

<sup>8</sup> Express Tribune (The), Fight against terrorism: Defining moment, 25 December 2014, [url](#)

<sup>9</sup> Canada, IRB, Pakistan: Information on marriage registration, including mixed marriages, 14 January 2013, [url](#)

<sup>10</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 1

<sup>11</sup> UNHCR, Refugee Affected and Hosting Areas (RAHA), Program document Moving forward 2014-2017, 2016 [url](#), p.9





tribespeople of a number of tribes living along and on both sides of the Pakistan-Afghanistan border.<sup>12</sup>

<b>RSD</b>	Refugee Status Determination
<b>SAFRON</b>	Ministry of States and Frontier Regions
<b>SBP</b>	State Bank of Pakistan
<b><i>Shanakhti passes</i></b>	According to Human Rights Watch, also known as passbooks. The Government of Pakistan issued these passbooks to Afghan refugees in the early years of the 1980s. <sup>13</sup>
<b>SSAR</b>	Solution Strategy for Afghan Refugees: A regulatory framework for the management of Afghan refugees in Pakistan developed in 2011. <sup>14</sup>
<b><i>Tazkera</i></b>	Afghan identity document
<b>TTP</b>	Tehrik-e Taliban Pakistan
<b>VRC</b>	Voluntary Repatriation Centre
<b>VRF</b>	Voluntary Repatriation Form

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<sup>12</sup> Mielke, K., email, 14 March 2022; see also Verso Consulting, Transitions in the borderlands, March 2021, [url](#), pp. 4, 6, 24; Dawn, Customs agents, Afghan students to get new cards, 8 July 2017, [url](#); Herald, Walking the line in times of conflict, 30 October 2017, [url](#)

<sup>13</sup> HRW, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, [url](#), p. 19

<sup>14</sup> UNHCR, Solutions Strategy for Afghan Refugees: Regional Overview (Update 2015 - 2016), 10 October 2015, [url](#), p. 8





# Introduction

This report was drafted by ACCORD, the Austrian Centre for Country of Origin and Asylum Research and Documentation, as referred to in the Acknowledgments section.

The purpose of this report is to analyse the situation of Afghan refugees in Pakistan, focusing mainly on the situation of registered and unregistered Afghan refugees in the country, which is relevant for international protection status determination, including refugee status and subsidiary protection.

## Methodology

This report is produced in line with the EASO COI Report Methodology (2019)<sup>15</sup> and the EASO COI Writing and Referencing Style Guide (2019).<sup>16</sup>

The reference period for the events described in this report is from 1 May 2020 until 17 March 2022. The information gathered is a result of research using public, specialised paper-based and electronic sources until 17 March 2022. Some additional information was added during the finalisation of this report in response to feedback received during the quality control process, until 12 April 2022.

This report is an update of the [EASO COI Report: Pakistan - Situation of Afghan refugees \(May 2020\)](#).<sup>17</sup> EUAA and the COI Specialist Network on Pakistan provided input to the Terms of Reference (ToR) for this updated report including since the Taliban takeover of power in Afghanistan on 15 August 2021. The ToR for this report can be found in Annex 2.

The updating process involved validating the information in the original report against the current situation and where necessary, adding new sources. If information in the old report was still valid, the links were rechecked and updated as needed. Where new relevant information was found, it was also added.

## Sources

The information in this report results from desk research of public specialised paper-based and electronic sources, which were consulted within the time frame and the scope of the research. The report relies to a large extent on reports and data from the United Nations High Commissioner for Refugees (UNHCR) and on a study of the Afghan Displacement Solutions Platform (ADSP): On the margins: Afghans in Pakistan, 26 June 2019 and on a study co-

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<sup>15</sup> EASO, EASO Country of Origin Information (COI) Report Methodology, June 2019, [url](#)

<sup>16</sup> EASO, Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports, June 2019, [url](#)

<sup>17</sup> EUAA COI reports are available via EUAA's website: [url](#)



authored by Katja Mielke and colleagues: Figurations of Displacement in and beyond Pakistan, August 2021.<sup>18</sup>

The report also draws on interviews conducted by ACCORD with international organisations and local actors. ACCORD conducted interviews with the following experts:

- Javed, M.M., Zoom interview with ACCORD, 22 February 2022 and email correspondence on 2 March and 3 March 2022. Mudassar M. Javed is the chief executive officer of the Society for Human Rights & Prisoners Aid (SHARP) in Islamabad.
- Khan Kheshgi, K., email correspondence with ACCORD, 2 March 2022. Khalid Khan Kheshgi works with The News International as senior staff reporter and senior correspondent of Mashaal Radio/Radio Free Europe in Peshawar.
- Mielke, K., email correspondence with ACCORD, 6 March, 10 March and 14 March 2022. Katja Mielke is senior researcher at the Bonn International Center for Conflict Studies (BICC), in her research she has, among others, focused on Afghans in Pakistan.
- UNHCR, email correspondence with ACCORD, 15 March 2022

The sources that are used in this report are further described in the [Bibliography](#) section.

## Quality control

In order to ensure that the drafter respected the EASO COI Report Methodology, a review was carried out by COI specialists from the countries and organisations listed as reviewers in the Acknowledgements section. This quality process led to the inclusion of some additional information, in response to feedback received during the respective reviews, until 12 April 2022. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report.

## Structure and use of the report

This report describes the situation of Afghan refugees<sup>19</sup> in Pakistan. The legal status of Afghans living in Pakistan determines their ability to access education, health services, property and housing and legal aid. Afghan refugees living in Pakistan can be broadly divided into four main groups: Proof of Registration (PoR) cardholders<sup>20</sup>, Afghan Citizens Card (ACC)

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<sup>18</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#); ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#); Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#)

<sup>19</sup> The term refugee is technically not used in Pakistan. Pakistan is not a signatory to the United Nations Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention or the Geneva Convention) of 28 July 1951 and the Protocol Relating to the Status of Refugees of 31 January 1967. UN, Treaty Series, 22 April 1954, vol. 189, [url](#), p. 137

<sup>20</sup> PoR-card holders are considered as registered Afghan refugees; Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), p. 16



holders, undocumented<sup>21</sup> Afghan refugees and Afghan passport holders with Pakistani visa. Sometimes the sources do not differentiate between the four categories. Where possible the situation for each main group is described. The main focus of this report lies on Afghan refugees and not Afghan passport holders with Pakistani visa.

The report consists of three main chapters. The first chapter describes the general background of Afghan refugees in Pakistan. In the first section, the history of Afghan migration from Afghanistan to Pakistan is discussed. The second section of the first chapter provides information on the legal status, the population and the demography of Afghan refugees in Pakistan. A third section describes laws and policies in Pakistan towards Afghan refugees, including access to Pakistani citizenship and the possibility of marriage between Afghan refugees and Pakistani nationals. A fourth section in this chapter describes the treatment of Afghan refugees in Pakistan, (including since the Taliban takeover in Afghanistan in August 2021), with a first subsection dedicated to: (a) the treatment of Afghan refugees by the state of Pakistan, (b) the approach of the police towards Afghan refugees and (c) the freedom of movement. The second subsection describes the general attitude of Pakistan's population towards Afghan refugees in Pakistan. A third subsection is dedicated to the treatment of Afghan refugees by ISKP and Afghan Taliban based in Pakistan.

The second chapter of the report examines the legal status of Afghan refugees living in Pakistan and describes the documentation process of registered and unregistered Afghan refugees. A separate section in this second chapter is dedicated to return to Afghanistan and to the repatriation programmes. No information is provided about the return conditions for Afghan refugees to and in Afghanistan since this is not the scope of this report. A final section in this second chapter provides information on cross-border movement of Afghan refugees.

The third chapter provides information on socio-economic situation of Afghan refugees in Pakistan according to their legal status. It examines the access to education, employment, and the access to different services such as documents, healthcare, housing, land and property, financial and communication services and access to legal aid.

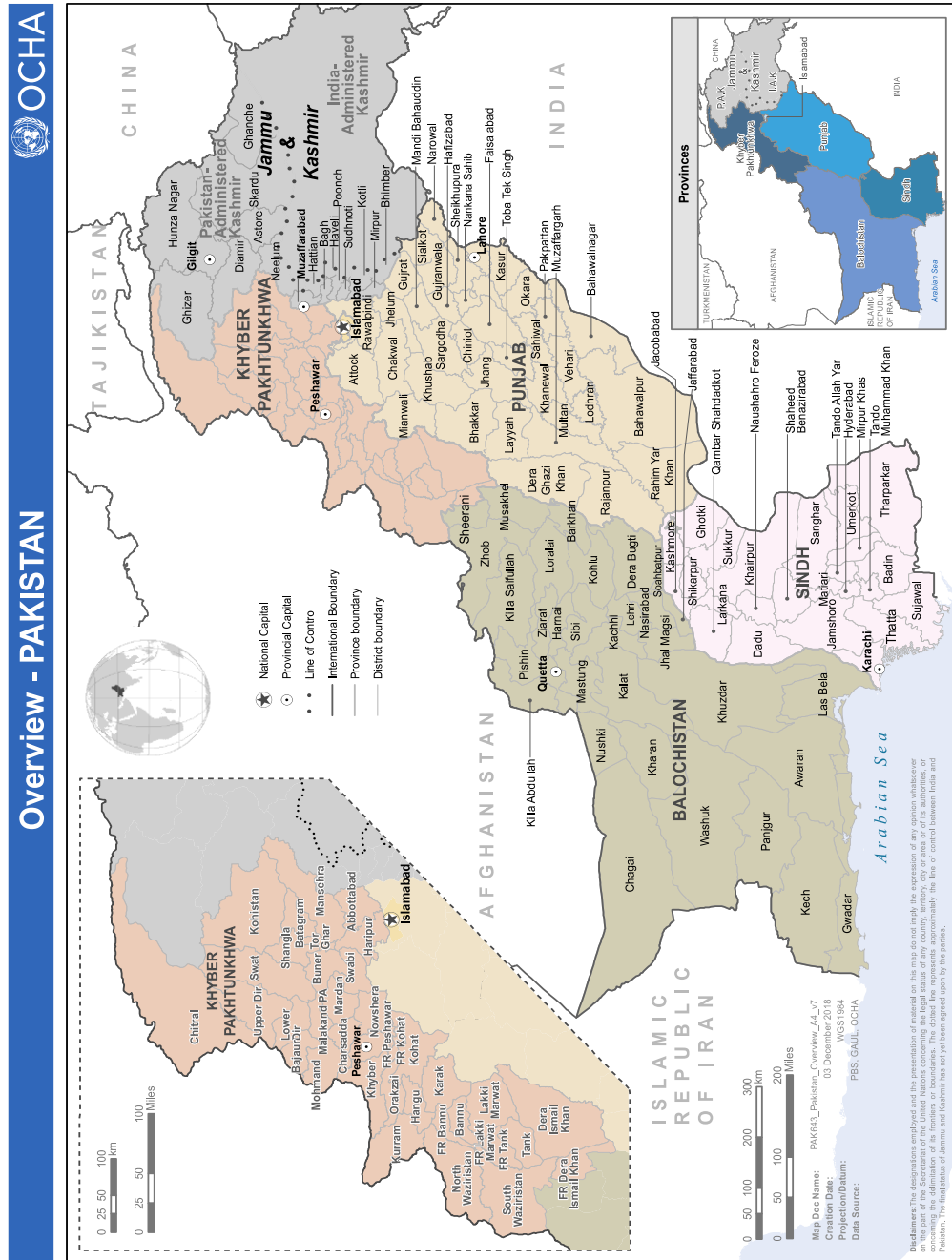
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<sup>21</sup> In the sources sometimes referred to as 'unregistered Afghan refugees'. This report will use the term undocumented Afghan refugees. In 2017, Pakistan started to register a part of the undocumented refugees and gave them Afghan Citizens Cards: UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, [url](#)





# Map



Map 1: Pakistan - Overview<sup>22</sup>

<sup>22</sup> UNOCHA, Pakistan – Overview map, 3 December 2018, [url](#)



# 1. Background

## 1.1 History of Afghan migration to Pakistan

### 1.1.1. The Durand Line

The relationship between Pakistan and Afghanistan is influenced by disagreement over the border between the two countries.<sup>23</sup> The Durand Line was established in 1893 during negotiations between Sir Mortimer Durand, a British negotiator of the British Raj, and Abdul Rahman Khan, the Afghan *amir* (king), in an attempt by the British to strengthen their control over the northern parts of India.<sup>24</sup> The Durand Line demarcating (since then) the *de facto* border between Afghanistan and Pakistan, caused unrest between both nations resulting in skirmishes between Afghan and Pakistani forces along the border on multiple occasions over the past several years.<sup>25</sup> Since 1947, none of the Afghan governments have recognised the legitimacy of the Durand Line as ‘an official international border’,<sup>26</sup> including the 2021 reinstalled Taliban regime.<sup>27</sup> However, the Government of Pakistan (GoP) considers the Durand Line as the international border between Afghanistan and Pakistan.<sup>28</sup> The implementation of the Durand Line ‘divided hundreds of thousands of people from their relatives and tribes on both sides of the border’.<sup>29</sup> The ethnic Pashtuns, ‘who live on both sides of the border and share historical, cultural and family ties’,<sup>30</sup> as well as the Baloch ethnic group, also residing on both sides, do not recognise the Durand Line.<sup>31</sup>

In 2013, the strategic project of a 1 100-kilometer-long trench to secure the porous border with Afghanistan was initiated in southwestern Balochistan province, which shares half of the country’s mountainous border with Afghanistan of around 2 500-kilometer. In September 2014, Pakistani forces had finished 480 kilometres of the trench (more than two meters deep and three meters wide) aimed at controlling movements of militants, drug smuggling and

<sup>23</sup> MEI, The Durand Line: A British Legacy Plaguing Afghan-Pakistani Relations, 27 June 2017, [url](#); Diplomat (The), Afghanistan and Pakistan’s Troubles Won’t End With the Taliban Victory, 26 January 2022, [url](#)

<sup>24</sup> Diplomat (The), Why the Durand Line Matters, 21 February 2014, [url](#); see also Fazl-e-Haider, S., Pakistani Taliban to Benefit from Afghanistan-Pakistan Border Fencing Dispute, Jamestown Foundation, 14 January 2022, [url](#)

<sup>25</sup> Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 7 June 2019, [url](#)

<sup>26</sup> MEI, The Durand Line: A British Legacy Plaguing Afghan-Pakistani Relations, 27 June 2017, [url](#); AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>27</sup> Diplomat (The), Afghanistan and Pakistan’s Troubles Won’t End With the Taliban Victory, 26 January 2022, [url](#); see also Fazl-e-Haider, S., Pakistani Taliban to Benefit from Afghanistan-Pakistan Border Fencing Dispute, Jamestown Foundation, 14 January 2022, [url](#)

<sup>28</sup> Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 7 June 2019, [url](#); Fazl-e-Haider, S., Pakistani Taliban to Benefit from Afghanistan-Pakistan Border Fencing Dispute, Jamestown Foundation, 14 January 2022, [url](#)

<sup>29</sup> Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 7 June 2019, [url](#)

<sup>30</sup> DW, Why the border can’t separate Afghan and Pakistani Pashtuns, 3 June 2016, [url](#); see also Shekhawat, S., Afghanistan-Pakistan relations and the Durand line: Why is it important?, Observer Research Foundation, 31 January 2022, [url](#)

<sup>31</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)



human trafficking. In 2016, Pakistan finished about half the planned length of the trench.<sup>32</sup> In early 2017, Pakistani authorities began erecting chain-link fences<sup>33</sup> equipped with surveillance cameras and infrared detectors<sup>34</sup>. As of 5 January 2022, 94 % of the border was reportedly fenced.<sup>35</sup> Despite this measure, the Department of Foreign Affairs and Trade (DFAT) stated in its country report from January 2022 that ‘the border remains porous and susceptible to irregular migration and people smuggling, movement of terrorists and extremists, and transit of narcotics and other illicit goods’.<sup>36</sup> In December 2021, Taliban fighters damaged parts of the fence, with the Taliban Defence Ministry spokesman declaring the fence’s construction to be ‘illegal’.<sup>37</sup> In February 2022, six people were killed and several others injured on the Afghan side in clashes between Taliban fighters and Pakistani security forces.<sup>38</sup>

Historically, there has always been movement of persons and groups across the border between the two countries.<sup>39</sup> According to a May 2019 study by the Asia Foundation and a January 2020 publication by the Kabul-based Afghanistan Analysts Network (AAN), the border between Pakistan and Afghanistan is frequently crossed on a daily basis or for longer periods for reasons including cross-border trade, family ties, education, work, medical treatment, or in order to flee violence.<sup>40</sup> As reported by AAN in January 2020, although the Durand Line divided two ethnic groups (the Pashtuns in the north and the Baloch people in the south)<sup>41</sup>, both maintained their cross-border links and their right of freedom of movement (see section [2.3.4 Cross-border movement](#)) resulting in Afghan nationals travelling to Pakistan in large numbers.<sup>42</sup> The recent construction of the fence and the visa and passport requirements for crossing the border have reportedly made both formal and informal border crossings much more difficult.<sup>43</sup> For more information on cross-border movements between Afghanistan and Pakistan, please see section [2.3.4 Cross-border movement](#).

Sanaa Alimia, a political scientist specialised in migration in South Asia, stated that the movement of people across the border between 1947 and the 1970s was limited ‘to a few

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<sup>32</sup> GlobalSecurity.org, Durand Line Fence, 8 January 2021, [url](#)

<sup>33</sup> In general, the border fortifications along the Afghan-Pakistani border consist not only of fences but also of trenches: GlobalSecurity.org, Durand Line Fence, 8 January 2021, [url](#); Cutting Edge, Border Fencing: A Major Milestone, 16 December 2020, [url](#)

<sup>34</sup> Wire (The), Pakistan-Afghanistan Ties Come Under Strain After Taliban Opposes Border Fencing, 11 January 2022, [url](#)

<sup>35</sup> Associated Press of Pakistan, Pakistan-Afghanistan Border internationally recognized; fencing to be completed at all costs: DG ISPR, 5 January 2022, [url](#); see also VOA, Pakistan Vows to Continue Fencing Afghan Border, Downplays Taliban Disruptive Acts, 3 January 2022, [url](#); Wire (The), Pakistan-Afghanistan Ties Come Under Strain After Taliban Opposes Border Fencing, 11 January 2022, [url](#)

<sup>36</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 17

<sup>37</sup> Diplomat (The), Afghanistan and Pakistan’s Troubles Won’t End With the Taliban Victory, 26 January 2022, [url](#); see also Fazl-e-Haider, S., Pakistani Taliban to Benefit from Afghanistan-Pakistan Border Fencing Dispute, Jamestown Foundation, 14 January 2022, [url](#)

<sup>38</sup> BBC News Urdu, افغان طالبان سے جھڑپیں: چمن میں باب دوستی تین دن کی بندش کے بعد کھول دیا گیا [Clashes with Afghan Taliban: Friendship in Chaman reopened after three days of closure], 27 February 2022, [url](#)

<sup>39</sup> Diplomat (The), Afghanistan and Pakistan’s Troubles Won’t End With the Taliban Victory, 26 January 2022, [url](#); Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#)

<sup>40</sup> Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, [url](#), pp. 5-6; AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>41</sup> Choice Program (The) - Brown University, Afghanistan and Pakistan Ethnic Groups [Map], 3 June 2013, [url](#)

<sup>42</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>43</sup> Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, [url](#), p. 3



thousand nomads, traders, and families with historic connections across both sides of the border'. Larger movements of people leaving Afghanistan, mainly to the neighbouring countries of the Islamic Republic of Iran and Pakistan, started in 1979 in the aftermath of the *Saur* Revolution; by the end of 1979 there were over 400 000 Afghans in Pakistan.<sup>44</sup>

### 1.1.2. Overview of Afghan displacement to Pakistan

Afghanistan has a long history of protracted international displacement. The developments in the recent history of Afghanistan generated successive waves of displacement of Afghan nationals from Afghanistan to Pakistan.<sup>45</sup>

On 27 April 1978, the so-called *Saur* Revolution brought the Afghan communists to power.<sup>46</sup> In 1979, the Government of the former Soviet Union invaded Afghanistan to support the communist Afghan government headed by Babrak Karmal. The invasion was followed by a decade of armed conflict between the Afghan government, supported by Soviet troops, and armed opposition groups often referred to as the *mujahideen*.<sup>47</sup> According to UNHCR, by the end of 1979 there were 400 000 refugees displaced to Pakistan.<sup>48</sup> Sanaa Alimia stated that 'four to five million Afghans had sought refuge in Pakistan' by the end of the war in 1988.<sup>49</sup> Reportedly a third of the Afghan population was displaced between 1978 and 2001.<sup>50</sup>

Citing Islamic discourse to justify accepting refugees in times of need,<sup>51</sup> as well as for geopolitical and strategic reasons,<sup>52</sup> Pakistan reportedly initially welcomed the arrival of Afghan refugees.<sup>53</sup> Pakistan recognised seven *mujahideen* factions who represented the Afghan opposition and gave them a role in the registration of refugees.<sup>54</sup> During the same period, Pakistan received financial support from the international community and built refugee camps, though it used a part of the international aid to support the opposition groups.<sup>55</sup> Pakistan linked the 'refugee status'<sup>56</sup> to the membership of one of the seven *mujahideen*

<sup>44</sup> Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#); see also UNHCR, Refugees Magazine Issue 108 (Afghanistan: the unending crisis) - The biggest caseload in the world, 1 June 1997, [url](#)

<sup>45</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 7; UNHCR, Pakistan: New Arrivals from Afghanistan Update (24 January 2022), 26 January 2022, [url](#); MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#); Emery, M. and Ruiz, H., Afghanistan's Refugee Crisis, Middle East Report Online, 24 September 2001, [url](#)

<sup>46</sup> AAN, An April Day that Changed Afghanistan 2: Afghans remember the 'Saur Revolution', 27 April 2018, [url](#)

<sup>47</sup> BBC News, Afghanistan profile – Timeline, 9 September 2019, [url](#)

<sup>48</sup> UNHCR, Refugees Magazine Issue 108 (Afghanistan: the unending crisis) - The biggest caseload in the world, 1 June 1997, [url](#); see also Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#)

<sup>49</sup> Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#)

<sup>50</sup> Emery, M. and Ruiz, H., Afghanistan's Refugee Crisis, Middle East Report Online, 24 September 2001, [url](#)

<sup>51</sup> Safri, M., The Transformation of the Afghan Refugee, 2011, [url](#), p. 2

<sup>52</sup> Schöch, R., UNHCR and the Afghan refugees in the early 1980s: between humanitarian action and cold war politics, 2008, [url](#), p. 48; Fielden, M.B., The geopolitics of aid: the provision and termination of aid to Afghan refugees in North West Frontier Province, Pakistan, May 1998, [url](#), p. 467; see also MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#)

<sup>53</sup> Safri, M., The Transformation of the Afghan Refugee, 2011, [url](#), p. 2

<sup>54</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#)

<sup>55</sup> MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#)

<sup>56</sup> The term 'refugee' is not used in its legal/technical sense, i.e., in the sense of the Geneva Convention. For more information, see section [1.2 Legal status, population](#) and demography and [1.3.1 Laws and policies](#) of this report.



factions<sup>57</sup> (for more information on this subject, please see section [1.2.1 Legal status](#)). The different factions had control over the Afghan refugee camps and daily life in the camps became politicised.<sup>58</sup>

In 1989, the Soviet Union withdrew from Afghanistan. This event did not implicate an end to the conflict in Afghanistan. Different factions of the *mujahideen* made competing claims to power leading to a civil war. Afghanistan's civil war and the advent of the Taliban reignited a new exodus of Afghans fleeing to Pakistan and Iran.<sup>59</sup> The attitude of Iran<sup>60</sup> and Pakistan toward refugees changed and began to harden. Calls for the eventual return of all Afghans to Afghanistan were growing in both countries. The support provided to the Afghan refugees in Pakistan by international nongovernmental organisations (NGOs) and UN agencies continued, but at a much lower level than in the 1980s.<sup>61</sup>

By 2001, the Taliban controlled almost the whole territory of Afghanistan.<sup>62</sup> According to Kristian Berg Harpviken, a research professor at the Peace Research Institute Oslo (PRIO), the majority of the leaders of the Taliban had a background in the politicised Afghan refugee population in Pakistan.<sup>63</sup> However, Katja Mielke, political sociologist and senior researcher at the Bonn International Centre for Conflict Studies (BICC), points out that, contrary to many claims, the first generation of Taliban leaders were not socialised and educated in Pakistani refugee camps or *madrassas*.<sup>64</sup> In general, the Taliban benefited from recruitment and support in Pakistan from 1994 onwards. In 2001, the Taliban were ousted from power in Afghanistan by the U.S.-led military operation.<sup>65</sup>

The toppling of the Taliban regime in 2001 marked the beginning of a massive wave of people returning to Afghanistan. More than 1.5 million Afghan refugees returned from Pakistan in 2002 alone, and in the following years the numbers fluctuated between 300 000 and 400 000. The number of Afghans returning to Pakistan dropped to 133 000 in 2006 and 13 000 in 2014.<sup>66</sup> A part of the Taliban militants also went to Pakistan and searched 'safe sanctuaries' among the Afghan refugee population in Pakistan.<sup>67</sup> Harpviken Berg stated in 2019 that 'the post-2001 Taliban mobilisation was firmly rooted in the refugeehood that had

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<sup>57</sup> Safri, M., The Transformation of the Afghan Refugee, 2011, [url](#), p. 3

<sup>58</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#)

<sup>59</sup> Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#)

<sup>60</sup> For further reading on the situation of Afghans in Iran, please see e.g., UNHCR, Refugees in Iran, n.d., [url](#); ACAPS, Iran, 13 September 2021, [url](#)

<sup>61</sup> MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#)

<sup>62</sup> CFR, The Taliban in Afghanistan, 15 September 2021, [url](#)

<sup>63</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#)

<sup>64</sup> Mielke, K., Looking beyond stereotypes: A critical reflection of popular narratives about the Taliban, January 2022, [url](#), p. 25

<sup>65</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#). For further reading on this subject, please see e.g., CFR, The U.S. War in Afghanistan – 1999-2021, n.d., [url](#); Connah, L., US intervention in Afghanistan: Justifying the Unjustifiable?, 2020, [url](#)

<sup>66</sup> Express Tribune (The), Pakistan's Afghan refugees: A timeline, 5 October 2016, [url](#)

<sup>67</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#); see also BBC News, Who are the Taliban?, 18 August 2021, [url](#)



characterised the past 20 years. Recruitment among exile Afghans in Pakistan, and in part also among recent returnees, was essential to the organisation.<sup>68</sup>

On 17 February 2020, the second vice president of Afghanistan, Sarwar Danish, claimed at an UNHCR-organised conference held on Afghan refugees in Islamabad that Pakistan allowed the Taliban to recruit among the Afghan refugee population in Afghan refugee camps in Pakistan. The Prime Minister of Pakistan denied those accusations of ‘safe havens’ of militants but said that it was impossible to rule out that militants hid among the refugee population.<sup>69</sup> According to a December 2021 Washington Post article, thousands of Taliban fighters and Taliban supporters had entered Afghanistan from Pakistan after the Taliban took power in Afghanistan in August 2021. ‘Senior Taliban leadership urged fighters, Afghan refugees and *madrassa* students in Pakistan to come to Afghanistan’. According to Taliban commanders, the recent influx from Pakistan is estimated to be between 5 000 and 10 000, while the Taliban reportedly have an estimated 75 000 fighters in their ranks.<sup>70</sup> In January 2022, the New York Times reported that Taliban officials were attempting to fill the vacancies of former Afghan government employees with former Taliban fighters and exiles, who were quietly residing in Pakistan, and whose existence Pakistan had officially denied for years.<sup>71</sup> The new Afghan leaders filled positions at all management levels with soldiers and theologians, many of whom graduated from Darul Uloom Haqqania *madrassa*, one of Pakistan’s oldest and largest Islamic seminaries.<sup>72</sup> Moreover, the head of the militant Haqqani network, Sirajuddin Haqqani, was appointed acting interior minister in charge of police, intelligence and other security forces. Citing Abubakar Siddique, a journalist and author, the Taliban continued to be dependent on Pakistan, despite their new position of power in Afghanistan.<sup>73</sup>

In 2020, it was reported that the second, third, and even fourth<sup>74</sup> generation of Afghan refugees were living in Pakistan, and most children and youth of the Afghan refugee population were already born and raised in Pakistan,<sup>75</sup> but were still living in legal limbo and at risk of being deported to Afghanistan, a country most of whom have never seen<sup>76</sup>. According to UNHCR’s 2019 Voluntary Repatriation Monitoring, 65 % of the 6 062 Afghan refugees who returned from Pakistan reported that they had lived in Pakistan for more than 10 years, while 32 % said they were born in Pakistan.<sup>77</sup> Compared to 2019, the number of Afghans returning from Pakistan under UNHCR’s voluntary repatriation program has since declined significantly (2020: 1 092 individuals; 2021: 437 individuals).<sup>78</sup> In contrast, as of 7 February 2022, UNHCR

<sup>68</sup> Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, bpb, 23 January 2019, [url](#)

<sup>69</sup> Gandhara, Khan Tells Conference There Are No Militant Safe Havens In Pakistan, 17 February 2020, [url](#)

<sup>70</sup> Washington Post (The), Taliban recruits flood into Afghanistan from neighboring Pakistan as the group works to consolidate control, 18 December 2021, [url](#)

<sup>71</sup> New York Times (The), The Taliban Have Staffing Issues. They Are Looking for Help in Pakistan, 13 January 2022, [url](#)

<sup>72</sup> New York Times (The), Where Afghanistan’s New Taliban Leaders Went to School, 25 November 2021, [url](#); New York Times (The), The Taliban Have Staffing Issues. They Are Looking for Help in Pakistan, 13 January 2022, [url](#)

<sup>73</sup> New York Times (The), The Taliban Have Staffing Issues. They Are Looking for Help in Pakistan, 13 January 2022, [url](#)

<sup>74</sup> Pakistan Today, Top UN official due today, as Afghan refugees’ stay nears end, 6 September 2018, [url](#)

<sup>75</sup> Khan, M.A., Pakistan’s urban refugees: steps towards self-reliance, February 2020, [url](#), p. 50

<sup>76</sup> New York Times (The), Born and Raised in Pakistan, but Living in Legal Limbo, 28 December 2021, [url](#)

<sup>77</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (December 2019), 17 February 2020, [url](#), pp. 1, 5

<sup>78</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January – December 2021), 21 February 2022, [url](#), p. 1





documented<sup>79</sup> 117 547 new arrivals from Afghanistan in Pakistan between January 2021 and the beginning of February 2022, with a significant peak of 35 289 new arrivals in August 2021,<sup>80</sup> when the Taliban returned to power in Afghanistan<sup>81</sup>.

For more information on cross-border movements between Afghanistan and Pakistan, please see section [2.3.4 Cross-border movement](#).

## 1.2. Legal status, population and demography

### 1.2.1. Legal status

A report by the Danish Refugee Council stated in September 2018 that the Government of Pakistan distinguishes between refugees<sup>82</sup> [with a recognised status, meaning the Proof of Registration (PoR) cardholders or RIC holders] and those without this status.<sup>83</sup> This differentiation is relevant to the protection, the rights and assistance that Afghan refugees receive and are entitled to,<sup>84</sup> even though officially no rights other than protection from refoulement are attached to the status of being a PoR cardholder<sup>85</sup>. (For more detailed information regarding this subject, please see section [2.1.1 PoR cardholders](#).)

A 2008 research paper by UNHCR explained that, following the Soviet intervention in late 1979, UNHCR established a permanent office in Pakistan in 1980, providing assistance to Afghan refugees, but with the Government of Pakistan always remaining in control of the management of refugees.<sup>86</sup> The same source noted that, due to a sharp increase of the refugee population, UNHCR adopted the practice of *prima facie* recognition, but still keeping the examination of individual cases 'to the extent possible'. However, the Government of Pakistan decided that for Afghans to be recognised as refugees and thus become eligible for assistance, they had to register with one of the seven Afghan *mujahideen* political parties recognised by the Pakistani Government. The source noted that, as a result of such decision, the 'UNHCR practice of *prima facie* recognition was effectively suspended.'<sup>87</sup> In a 2002 report,

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<sup>79</sup> UNHCR notes that it does not provide an overview of the overall flow of border movements and does not claim to quantify the total number of new arrivals in Pakistan during the reporting period. UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022), 11 February 2022, [url](#)

<sup>80</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022), 11 February 2022, [url](#)

<sup>81</sup> CFR, The Taliban in Afghanistan, 15 September 2021, [url](#)

<sup>82</sup> The term 'refugee' is not used in its legal/technical sense, i.e. in the sense of the Geneva Convention.

Pakistan. Pakistan is not a signatory to the United Nations Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention or the Geneva Convention) of 28 July 1951 and the Protocol Relating to the Status of Refugees of 31 January 1967

<sup>83</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), pp. 16-17

<sup>84</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), pp. 16-17; ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11

<sup>85</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 10; see also Qaisrani, A., Bridging the Gaps - Migration Management and Policy Options for Afghan Refugees in Pakistan, FES, December 2021, [url](#), p. 15; UNHCR Pakistan, Proof of Registration Card (PoR), n.d., [url](#)

<sup>86</sup> Schöch, R., Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, UNHCR, June 2008, [url](#), p. 5

<sup>87</sup> Schöch, R., Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, UNHCR, June 2008, [url](#), pp. 8-9





Human Rights Watch stated that ‘from late 1999 the government refused to consider newly arriving Afghans as *prima facie* refugees.’<sup>88</sup> As reported by the U.S. magazine Foreign Policy in November 2021, Pakistan has not registered any new refugees since 2007, despite UNHCR being present in the country.<sup>89</sup> According to a study published by the Afghan Displacement Solution Platform (ADSP) in June 2019, UNHCR did not conduct group status determination or grant *prima facie* status to Afghans in Pakistan, instead, most Afghan refugees were left in legal limbo.<sup>90</sup>

Until 2006, Afghan refugees in Pakistan did not need to be in possession of legal documents.<sup>91</sup> In late 2006-early 2007, the Pakistani government, together with UNHCR, started the registration of Afghan refugees and issuance of PoR cards.<sup>92</sup> The PoR cardholders are considered as registered refugees.<sup>93</sup> In addition to this group, the Afghan population living in Pakistan can be divided into three additional categories:<sup>94</sup> Afghan Citizens Cards (ACC) holders, undocumented Afghans and visa holders. In 2017, Pakistan started issuing ACC to document a part of the unregistered Afghan refugees<sup>95</sup> as a means of indefinitely legalising their stay without granting them refugee status.<sup>96</sup> Still, there were also undocumented Afghan refugees who were not in possession of any Pakistani documents.<sup>97</sup> (For more information on the various registration and documentation exercises, please see section [2 Documentation of registered and unregistered Afghan refugees](#).) Another category of Afghans living in Pakistan were the ones holding an Afghan passport with a Pakistani visa (e.g. study or work).<sup>98</sup> Figure 1 shows the four main categories of Afghans living in Pakistan according to their legal status as described by the study of ADSP:

<sup>88</sup> HRW, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, [url](#), p. 19

<sup>89</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>90</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 38

<sup>91</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), p. 16

<sup>92</sup> UNHCR, Registration of Afghans in Pakistan, 16 February 2007, [url](#)

<sup>93</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11; see also Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, [url](#)

<sup>94</sup> This report follows the division according to legal status as stated by the study of ADSP

<sup>95</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 14; TNS, The refugee question, 1 August 2021, [url](#); Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, [url](#)

<sup>96</sup> Amaprado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>97</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 14; TNS, The refugee question, 1 August 2021, [url](#); Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, [url](#)

<sup>98</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 14; see also Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, [url](#)



### Legal Status of Afghans in Pakistan

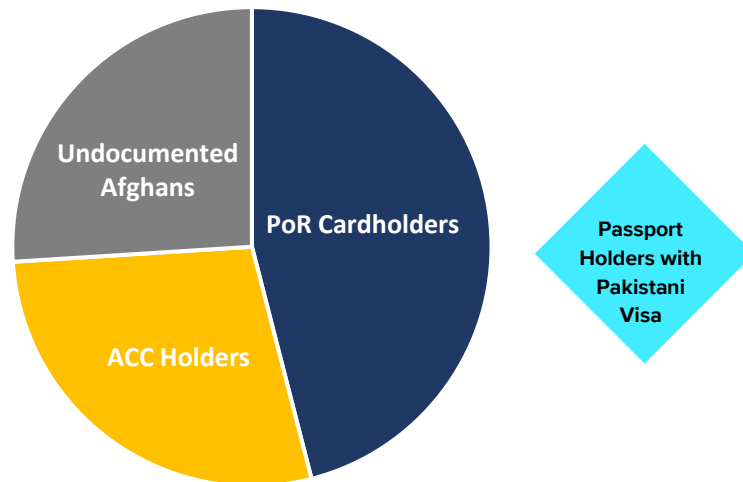


Figure 1: Legal status of Afghans living in Pakistan.<sup>99</sup> relative proportions reflected in the pie chart (PoR cardholders, ACC holders and undocumented Afghans) based on UNHCR data.<sup>100</sup>

Regarding the legal situation of Afghans arriving in Pakistan after August 2021, refugee rights advocates reported in November 2021 that the lack of policies for new arrivals made it difficult for aid organisations to assist them. As a result, many new arriving Afghans had to rely on informal networks and try to keep a low profile for fear of being stopped by Pakistani authorities.<sup>101</sup>

### 1.2.2. Figures and place of residence

As of January 2022, UNHCR stated that of the approximately three million Afghans living in Pakistan, around 1.4 million were PoR cardholders, approximately 840 000 held an ACC, and an estimated 775 000 are undocumented Afghans (see Figure 1).<sup>102</sup> However, according to an August 2021 Pakistani news report, the Pakistani Ministry of States and Frontiers Regions (SAFRON) estimated the number of undocumented Afghans to be between 300 000 and 400 000.<sup>103</sup> Mudassar M. Javed, the chief executive officer of the Pakistani Society for Human Rights & Prisoners Aid (SHARP), stated in an interview on 22 February 2022 that there is no ‘authentic data’ available on the Afghan refugee population in Pakistan. According to Javed, there might be far more undocumented individuals in the country than official estimates show. In this context, Javed referred to a police official in Karachi, stating that in Karachi alone there were currently more than three million Afghans.<sup>104</sup>

Concerning a more specific number of registered Afghan refugees (PoR cardholders), UNHCR stated that there were 1 435 026 registered Afghan refugees living in Pakistan as of

<sup>99</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), pp. 11-14; see also Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, [url](#)

<sup>100</sup> UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 27

<sup>101</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>102</sup> UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 27

<sup>103</sup> TNS, The refugee question, 1 August 2021, [url](#)

<sup>104</sup> Javed, M.M., Zoom interview, 22 February 2022

31 August 2021 (see Figure 2).<sup>105</sup> Figure 2 provides an overview of data collected by UNHCR on the registered Afghan refugee population in Pakistan for the period from 1 January 2002 to 31 August 2021.<sup>106</sup>

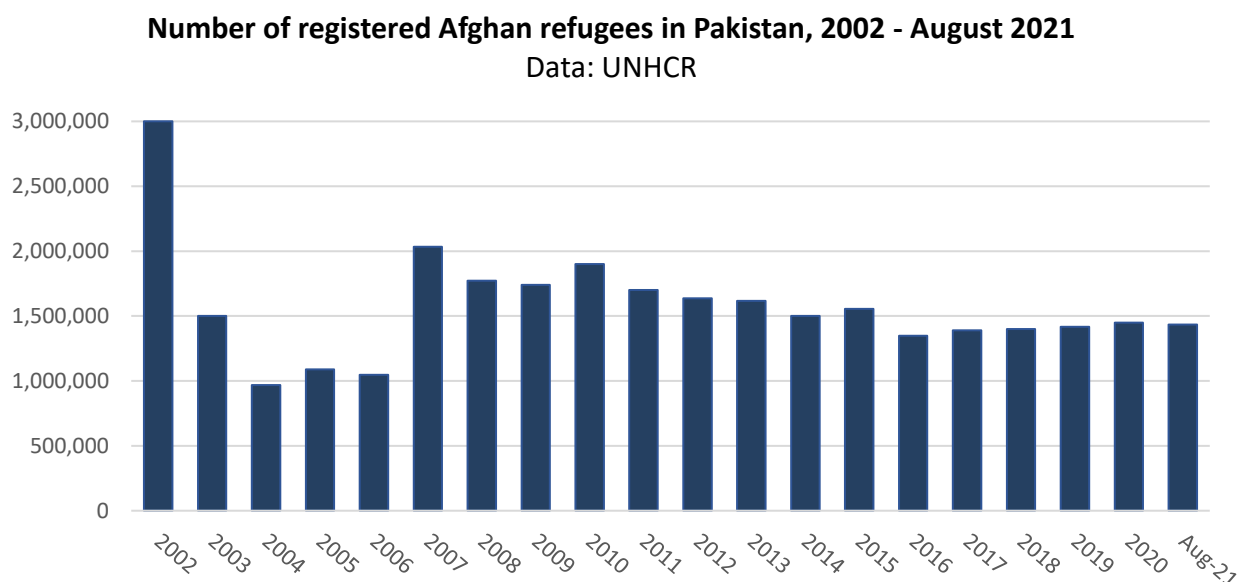


Figure 2: Overview of registered Afghan refugee population in Pakistan from 1 January 2002 to 31 August 2021<sup>107</sup>

According to the UNHCR data portal, as of 31 August 2021, the province of Khyber Pakhtunkhwa hosted the highest number of registered Afghan refugees (834 381 individuals, approx. 58 %), followed by the province of Balochistan (326 932 individuals, approx. 23 %), and the province of Punjab (168 342 individuals, approx. 12 %).<sup>108</sup> Figure 3 gives an overview of the regional distribution of registered Afghan refugees in Pakistan.

<sup>105</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#)

<sup>106</sup> Please note that more recent UNHCR data were not accessible during the drafting of the report.

<sup>107</sup> EUAA analysis based on publicly available UNHCR data. For 2002 to 2019, see UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#); for 2020, see UNHCR, Afghanistan Situation Update - 15 January 2022, 25 January 2022 [Map], [url](#), p. 4

<sup>108</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#); percentages derived based on UNHCR data

### Regional distribution of registered Afghan refugees in Pakistan

Data: UNHCR

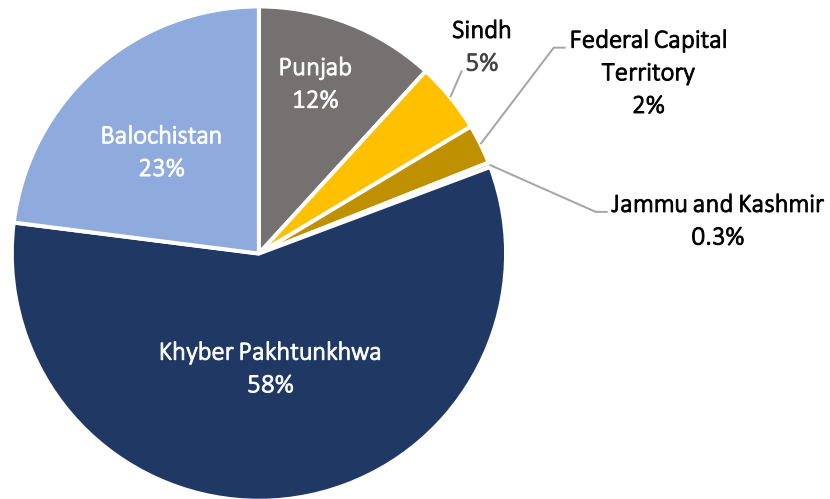


Figure 3: Regional distribution of registered Afghan refugees in Pakistan on provincial level<sup>109</sup>

Registered Afghan refugees (i.e. PoR cardholders) live in rural camps, so-called Afghan refugee villages (ARVs), or urban or peri-urban areas,<sup>110</sup> where they live alongside the Pakistani population<sup>111</sup>. In its June 2019 study, ADSP described that ‘in general’ only PoR cardholders were allowed to live in ARVs, however PoR cardholders and other Afghan refugees were not obliged by the Government of Pakistan (GoP) to have their residence in a ARV.<sup>112</sup> According to the latest available data by UNHCR, as of 1 October 2021, 31 % of the PoR cardholders lived in an ARV while 69 % of them lived outside these villages in urban or semi-urban settings.<sup>113</sup>

Initially, the Afghan refugees were accommodated in refugee camps set up by the Pakistani government with assistance from UNHCR. However, over the years, the camps evolved into refugee villages, similar in appearance to other villages in Pakistan.<sup>114</sup> In 2002, UNHCR stated that in the 1990s more than 300 ARVs were established in Pakistan.<sup>115</sup> As of August 2021, 54 of these villages still remained open in Pakistan,<sup>116</sup> 43 of the ARVs were located in the

<sup>109</sup> EUAA analysis based on publicly available UNHCR data. Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#)

<sup>110</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 4; see also ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11

<sup>111</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11

<sup>112</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 11

<sup>113</sup> UNHCR, Pakistan – Afghan Refugee Population as of 1 October 2021, 1 November 2021, [url](#), p. 1

<sup>114</sup> UN Partner Portal, Protection and assistance of Persons of Concern (PoC) to UNHCR (asylum-seekers, refugees, and stateless persons) in Pakistan, 11 August 2021, [url](#), p. 2; see also Ruiz, H. A., Afghanistan: conflict and displacement 1978 to 2001, FMR, 2004, [url](#), p. 8

<sup>115</sup> UN, Afghan history, n.d., archived page from 6 June 2002 - 26 September 2019, [url](#)

<sup>116</sup> UN Partner Portal, Protection and assistance of Persons of Concern (PoC) to UNHCR (asylum-seekers, refugees, and stateless persons) in Pakistan, 11 August 2021, [url](#), p. 2; TNS, The refugee question, 1 August 2021, [url](#)



province of KHYBER PAKHTUNKHWA, 10 in the province of Balochistan and one in the province of Punjab.<sup>117</sup>

Based on his own experience by visiting ARVs in KHYBER PAKHTUNKHWA, staff reporter at the News International in Peshawar, Khalid Khan Kheshgi, in an email correspondence on 2 March 2022 provided a brief overview of the situation of Afghan refugees in Pakistan. He reported on the precarious circumstances in the ARVs, such as lack of basic services including adequate health care, education and electricity. The refugees staying in the ARVs are the ones who cannot afford to rent accommodation in the cities. According to Kheshgi, Afghan refugees prefer to rent an accommodation in the big cities of Pakistan or to live in a *katchi abadi* (an informal settlement).<sup>118</sup>

As of 22 January 2022, 307 647 ACC holders were reported to be living in Khyber Pakhtunkhwa.<sup>119</sup> Of the 690 778 ACC holders documented by UNHCR nationwide as of 1 October 2021, most lived in Peshawar district (between 100 000 and 500 000) as well as in the districts of Quetta and Karachi City (between 50 000 and 100 000).<sup>120</sup>

In the wake of the Taliban's return to power in Afghanistan in August 2021 and the deterioration of the economic and humanitarian situation in the country in 2021, several sources expected the number of Afghans seeking refuge in Pakistan to increase further.<sup>121</sup> In an interview on 22 February 2022, Mudassar M. Javed mentioned that many new arrivals were recorded after the regime changed in Afghanistan. According to Javed, as of 21 February 2022, 65 000 new arrivals were recorded in Islamabad alone, 20 000 in Karachi and 60 000 in Khyber Pakhtunkhwa.<sup>122</sup>

Between January 2021 and 7 February 2022, UNHCR documented 117 547 newly arrived Afghans in Pakistan.<sup>123</sup> However, the total number of Afghans entering neighbouring countries is difficult to verify, as undocumented persons may use irregular border crossings due to restrictive border policies, non-registration, and limited information sharing between relevant authorities, making the total number of Afghans in need of protection likely much higher, as pointed out by UNHCR in January 2022.<sup>124</sup> As of 7 February 2022, 35 % of the newly arrived stayed in KHYBER PAKHTUNKHWA, followed by 24 % in Balochistan, 23 % in Punjab and 14 % in the Federal Capital Territory. 88 % arrived in Pakistan through the Spin Boldak-Chaman

<sup>117</sup> TNS, The refugee question, 1 August 2021, [url](#)

<sup>118</sup> Khan Kheshgi, K., email, 2 March 2022

<sup>119</sup> Pakistan, CAR Khyber Pakhtunkhwa, CAR introduction, last updated 22 January 2022, [url](#)

<sup>120</sup> UNHCR, Pakistan – Afghan Refugee Population as of 1 October 2021 [Map], 1 November 2021, [url](#), p. 2

<sup>121</sup> Amprado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#); Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 2; UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 5; GLZ, 'If young people are uprooted from their environment, it is a strain on them', 1 September 2021, [url](#); New York Times (The), Afghans Flee to Pakistan. An Uncertain Future Awaits, 1 November 2021, [url](#)

<sup>122</sup> Javed, M.M., Zoom interview, 22 February 2022

<sup>123</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022), 11 February 2022, [url](#)

<sup>124</sup> UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 5; see also HRW, Policy Responses to Support Afghans Fleeing Taliban-Controlled Afghanistan, 21 October 2021, [url](#)



border crossing.<sup>125</sup> Figure 4 illustrates the trend of newly arriving Afghans in Pakistan between May 2021 and January 2022 as documented by UNHCR.

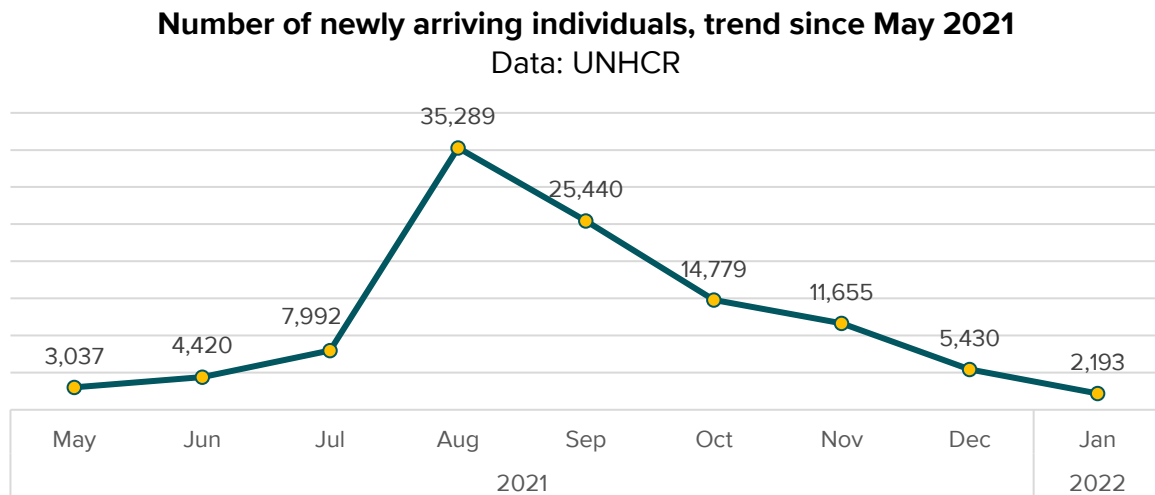


Figure 4: Monthly trend of newly arriving Afghans in Pakistan between May 2021 and January 2022<sup>126</sup>

### 1.2.3. Demography

Data on gender, age and the place of origin in Afghanistan is only available for registered Afghan refugees (i.e. PoR cardholders) as well as for those Afghans who newly arrived in 2021. This data is provided by UNHCR. As of 31 August 2021, of the 1 435 026 registered Afghan refugees, 54 % were male and 46 % were female. More specifically, 24 % were boys below the age of 18 and 23 % were girls below the age of 18; 26 % were men between 18 and 59 and 22 % women of the same age range, compared to 3 % men above the age of 60 and 2 % women above the age of 60.<sup>127</sup> Afghan PoR cardholders mainly originate from Nangarhar, Kunduz and Kabul, as of 31 December 2021.<sup>128</sup> No recent data on the ethnic affiliations of this group were available. Figure 5 provides an overview of demographic information on PoR cardholders.

<sup>125</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022) [Graph], 11 February 2022, [url](#)

<sup>126</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022) [Graph], 11 February 2022, [url](#)

<sup>127</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#)

<sup>128</sup> UNHCR, Pakistan: Overview of Refugee and Asylum-Seeker Population (as of 31 December 2021) [Graph], 14 January 2022, [url](#)



### Demographics of PoR cardholders: age - gender - province of origin

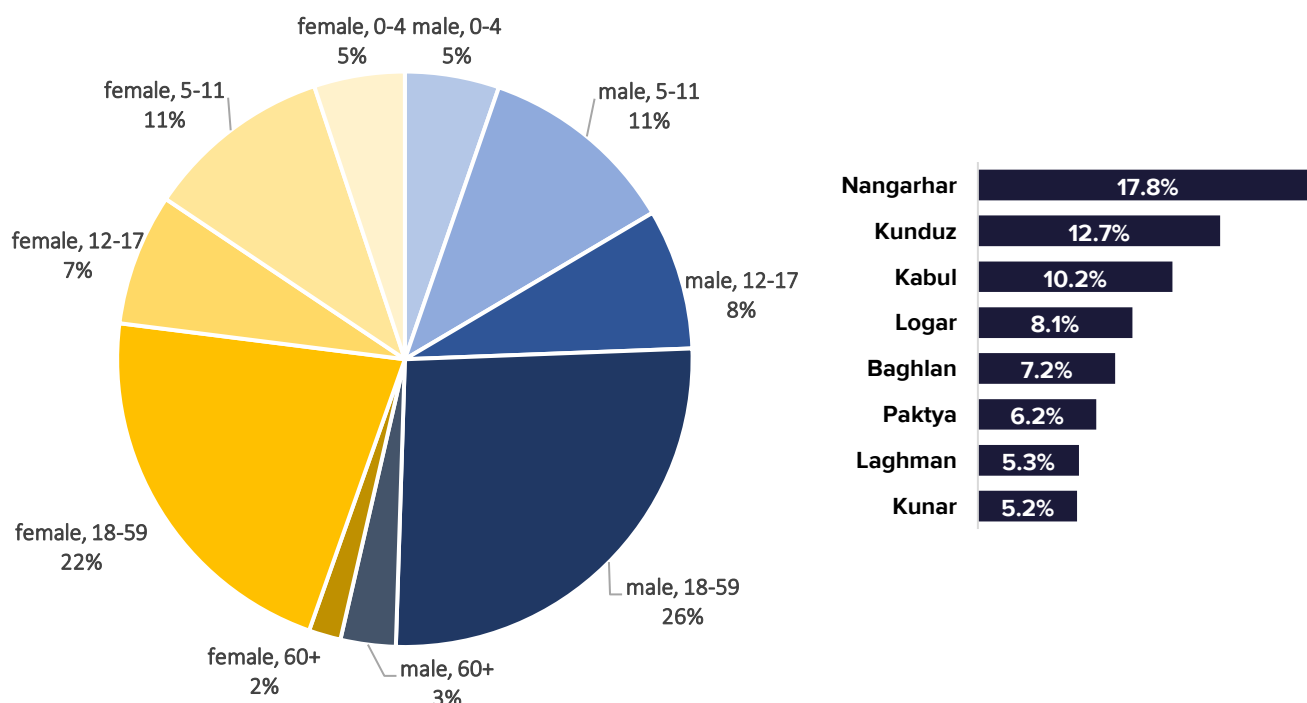


Figure 5: Demographics of PoR cardholders; age and gender as of 31 August 2021<sup>129</sup>, province of origin as of 31 December 2021<sup>130</sup>

Out of the 117 547 new arrivals documented by UNHCR since January 2021, 53 % were male and 47 % were female. More specifically, 28 % were boys (below the age of 18), 25 % men, 25 % girls (below the age of 18) and the remaining 22 % women, according to UNHCR. Regarding their ethnicity, 62 % were reported to be Pashtun, compared to 17 % Hazara and 11 % Tajik. The main province of origin was Nangarhar with 32 % of newly arriving Afghans in Pakistan, followed by Kabul with 18 %, Kunduz with 8 %, and Ghazni and Laghman with 5 % each.<sup>131</sup> Figure 6 provides an overview of demographic information on new arrived Afghans in Pakistan since January 2021.

<sup>129</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Refugee Situation- Registered Afghan Refugees in Pakistan, last updated 31 August 2021, [url](#)

<sup>130</sup> UNHCR, Pakistan: Overview of Refugee and Asylum-Seeker Population (as of 31 December 2021) [Graph], 14 January 2022, [url](#)

<sup>131</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022) [Graph], 11 February 2022, [url](#)





### Demographics of new arrivals from Afghanistan since January 2021: age - gender - ethnicity - province of origin

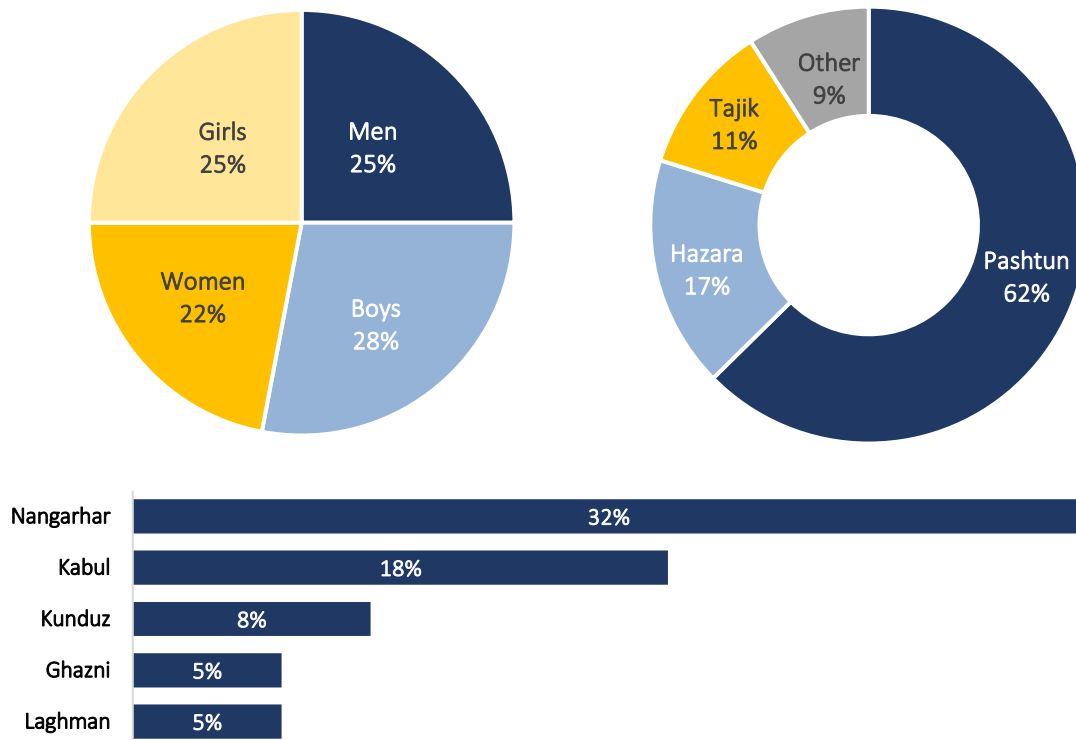


Figure 6: Demographics of new arrivals from Afghanistan since January 2021, as of 7 February 2022<sup>132</sup>

## 1.3. Laws and policies in Pakistan towards Afghan refugees

### 1.3.1. Laws and policies

Pakistan is neither a signatory to the United Nations Convention Relating to the Status of Refugees [also known as the 1951 Refugee Convention or the Geneva Convention] of 28 July 1951 nor to the Protocol Relating to the Status of Refugees of 31 January 1967.<sup>133</sup> Nevertheless, the Afghan population that came to Pakistan in the post-1979 period was *de facto* considered *prima facie* refugees.<sup>134</sup> The Government of Pakistan has no national

<sup>132</sup> UNHCR, Pakistan: New Arrivals from Afghanistan Update (7 February 2022) [Graph], 11 February 2022, [url](#)

<sup>133</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 9; Zieck, M., The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises, 30 April 2008, [url](#), p. 253; UNHCR, Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Pakistan, 19 April 2012, [url](#), p. 1

<sup>134</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 612; see also Zieck, M., The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises, 30 April 2008, [url](#), p. 253



legalisation concerning refugees and it has also no refugee law.<sup>135</sup> The Foreigners Order of 1951, promulgated pursuant to the Foreigners Act, 1946 are the only laws pertaining to immigrants.<sup>136</sup>

The Foreigners Act, 1946 and the Foreigners Order, 1951 regulate the entry, stay and movement of foreigners. According to these laws all foreigners without valid documentation, including refugees and asylum seekers, are subject to arrest, detention, and deportation.<sup>137</sup> Afghan refugees were exempt from the Foreigners Act, 1946 due to a circular issued in July 1997. In February 2001, however, the Government of Pakistan issued another circular clarifying that the Foreigners Act, 1946 applies to those Afghan immigrants termed as ‘illegal’, as they neither hold refugee cards or permits by UNHCR/ Commissionerate for Afghan Refugees (CAR) nor visas in their passports. Since 2007, the registration of Afghan refugees under the PoR card scheme has been regarded as an exemption from the general provisions of the Foreigners Act, 1946. Those who are undocumented are considered as illegal immigrants. According to the study of ADSP, the undocumented Afghan refugees are subject to arrest and deportation under Section 14A and 14B of the Foreigners Act, 1946 and several associated criminal provisions.<sup>138</sup>

ADSP stated that there had been ‘no major change in the legal status of Afghans living in Pakistan’ between 2007 and the issuance of ACCs in 2018.<sup>139</sup> (For detailed information on the legal status of Afghans in Pakistan, on the PoR card scheme and the ACC issuance please see sections [1.2.1 Legal status](#), [2.1 Registered Afghan refugees](#) and [2.2 Unregistered Afghans](#).) Attempts to enact a national refugee law failed after 2017. The law, drafted by federal and provincial working groups and eventually sent to all ministries and provincial governments to be passed in January 2018, was never passed. The reasons mentioned were security concerns due to the porous Afghan-Pakistani border, but also fears that the law might trigger an influx of refugees from different countries of origin. In a research study published in August 2021, Katja Mielke et al more generally identified an ‘implementation gap’ between the Pakistani state’s policies and practices concerning Afghan refugees. In addition to the national refugee law, examples cited by the authors included ‘the insufficient protection function of PoR cards’, the issuing process of the ACCs and ‘the Prime Minister’s announced plan to naturalise Afghans in Pakistan that was almost immediately revoked’.<sup>140</sup>

<sup>135</sup> UNHCR, Pakistan: Community Based Protection Strategy (2020-2022), 24 December 2019, [url](#), p. 3; Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 61

<sup>136</sup> Ud din Farani, M.N., Perspectives on Afghan Refugee identity in Pakistan, 2020, [url](#), p. 175; CAMP, Accessing Justice for Registered Afghan Citizens Living in Pakistan: A Guide to Pakistani Institutions, Laws and Procedures, 2012, [url](#), pp. 56-58; Pakistan, The Foreigners Act, 1946 (Act XXXI of 1946), 23 November 1946, including amendments as of 28 April 2016, [url](#); Pakistan, Foreigners Order, 1951, 26 October 1951, [url](#)

<sup>137</sup> CAMP, Accessing Justice for Registered Afghan Citizens Living in Pakistan: A Guide to Pakistani Institutions, Laws and Procedures, 2012, [url](#), pp. 56-57; see also Ishaque, W. et al., Evolving Migration Trends from Afghanistan: Management and Honourable Repatriation of Afghan Refugees in Pakistan, 2021, [url](#), p. 128; Pakistan, The Foreigners Act, 1946 (Act XXXI of 1946), 23 November 1946, including amendments as of 28 April 2016, [url](#); Pakistan, Foreigners Order, 1951, 26 October 1951, [url](#)

<sup>138</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 21

<sup>139</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 21

<sup>140</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 10-11



Since the first wave of Afghans seeking refuge in Pakistan in 1979, Pakistan received ‘large levels’ of international financial support for the reception of the Afghan refugees<sup>141</sup> and UNHCR commenced activities in the country<sup>142</sup>. In 1980, the Government of Pakistan established the Chief Commissionerate for Afghan Refugees (CCAR) in Islamabad, under the Ministry of States and Frontier Regions (SAFRON). CCAR has a branch in each of the four provinces and is responsible for the administration and management of all Afghan refugees in Pakistan.<sup>143</sup> The core tasks of CCAR include the cooperation with UNHCR.<sup>144</sup> For the 1980s, UNHCR has been criticised for not managing to stay neutral and committed to humanitarian principles as is foreseen by its mandate.<sup>145</sup> Specifically the required membership in political parties supporting ‘the resistance against the government of a neighbouring state’ created ‘a political bias in the recognition of refugees’.<sup>146</sup> Going further, Pakistani expert Nasreen Ghufuran suggests that UNHCR, over the course of its engagement in Pakistan, even developed a strong vested interest to stay in the region and continue to remain a central player in refugee affairs.<sup>147</sup> UNHCR did not protest against the refugee aid being channelled via the major *mujahideen* parties, which used refugee villages as military bases and training grounds and designated aid for their client-combatants exclusively.<sup>148</sup> In August 1993, Pakistan, Afghanistan and UNHCR signed a tripartite agreement on the voluntary return of Afghans to facilitate the ‘safe, orderly and voluntary return of Afghan refugees and their successful reintegration in Afghanistan’.<sup>149</sup>

In September 1993, Pakistan and the UNHCR signed a cooperation agreement under which Pakistan generally allows asylum seekers to stay in the country based on the UNHCR refugee status determination in order to identify ‘durable solutions’.<sup>150</sup> (For more information on UNHCR’s role in the status determination of Afghans in Pakistan, please see section [1.2.1 Legal status](#) and section [2. Documentation of registered and unregistered Afghan refugees.](#)) To date, as reported by UNHCR in December 2021, the collaboration between UNHCR and CCAR continues and includes, for example, the Documentation Renewal and Information Verification Exercise (DRIVE).<sup>151</sup> (For more information on DRIVE, please see section [2.1 Registered Afghan refugees.](#))

<sup>141</sup> MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#)

<sup>142</sup> UN Pakistan, Magazine, January 2018, [url](#), p. 9

<sup>143</sup> Ud din Farani, M.N., Perspectives on Afghan Refugee identity in Pakistan, 2020, p. 166; Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 609-910

<sup>144</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 610

<sup>145</sup> Schöch, R., Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, UNHCR, June 2008, [url](#), p. 11; Ghufuran, N., The Role of UNHCR and Afghan Refugees in Pakistan, November 2011, [url](#), p. 945

<sup>146</sup> Schöch, R., Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, UNHCR, June 2008, [url](#), p. 11

<sup>147</sup> Ghufuran, N., The Role of UNHCR and Afghan Refugees in Pakistan, November 2011, [url](#), p. 945

<sup>148</sup> Schöch, R., Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, UNHCR, June 2008, [url](#), pp. 11-13

<sup>149</sup> Zieck, M., The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises, 30 April 2008, [url](#), p. 258

<sup>150</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 612

<sup>151</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 1



According to Sanaa Alimia, since the 2000s, the ‘main policy’ of Pakistan toward Afghans in Pakistan has been to encourage their participation in Assisted Voluntary Repatriation (AVR) schemes.<sup>152</sup> In more explicit terms, Helen Dempster, Assistant Programme Director for Migration, Displacement and Humanitarian Policy at the Center for Global Development (CGD), and two of her colleagues stated in August 2021 that following the increasing pressure on Afghans in Pakistan starting in the mid-1990s, “voluntary” repatriation became the primary policy response’, stressing that studies have questioned the ‘voluntariness’ of some of the returns.<sup>153</sup> Starting in 2003, Pakistan signed a series of Tripartite Agreements with the Government of Afghanistan and UNHCR establishing a legal framework to facilitate the voluntary repatriation of ‘Afghan citizens who have sought refuge in Pakistan’.<sup>154</sup>

On 15 May 2009, the Refugees Affected and Hosting Areas Development (RAHA) initiative was launched by the Government of Pakistan in cooperation with several UN-agencies (UNHCR, UNDP, WHO, FAO, ILO, UNESCO, WFP, UN Women, UN HABITAT and UNOPS). This five-year program (2009 –2013) aimed ‘to respond to the political, socio-economic, financial, and environmental consequences associated with hosting [Afghan refugees] for many years’ and ‘at preserving asylum space in Pakistan by supporting local communities in areas where refugees are hosted’.<sup>155</sup> For the period 2010-2012, the Afghan Management and Repatriation Strategy (AMRS) was introduced to address the repatriation and management of Afghan refugees. Voluntary repatriation remained the core component of the strategy. Among other things, the AMRS reaffirmed the illegal status of undocumented Afghan nationals who would be deported and dealt with under Pakistan’s Foreigners Act of 1946.<sup>156</sup>

The regional Solutions Strategy for Afghan Refugees (SSAR), which superseded the AMRS,<sup>157</sup> was developed by the Islamic Republics of Afghanistan, Iran and Pakistan with the support of UNHCR in 2011 as an outcome of a quadripartite consultation process and endorsed by the international community in May 2012 in Geneva.<sup>158</sup> The SSAR focused on voluntary repatriation as well, but also on sustainable reintegration, and support to host communities to reduce ‘refugee fatigue’,<sup>159</sup> making the RAHA initiative an integral element of the regional SSAR<sup>160</sup>. During 2016 the Government of Pakistan reaffirmed its commitment to the SSAR at different

<sup>152</sup> Alimia, S., Afghan Refugees in Pakistan, bpb, 5 June 2019, [url](#)

<sup>153</sup> Amparado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>154</sup> Zieck, M., The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises, 30 April 2008, [url](#), pp. 261, 264; see also UNHCR, Pakistan: Livelihoods Strategy (2018–2021), 10 February 2020, [url](#), p. 7

<sup>155</sup> UNHCR, Refugee Affected and Hosting Areas (RAHA), Program document Moving forward 2014-2017, 2016 [url](#), p. 9; 16

<sup>156</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), pp. 642-643

<sup>157</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 646

<sup>158</sup> UNHCR, Solutions Strategy for Afghan Refugees: Regional Overview (Update 2015 - 2016), 10 October 2015, [url](#), p. 8; UNAMA, Afghanistan, Afghanistan, Iran Pakistan and UN Refugee Agency expect mobilization plan soon, 20 September 2013, [url](#)

<sup>159</sup> Ahmad, W., The Fate of Durable Solutions in Protracted Refugee Situations: The Odyssey of Afghan Refugees in Pakistan, 2017, [url](#), p. 647

<sup>160</sup> UNHCR, Refugee Affected and Hosting Areas (RAHA), Program document Moving forward 2014-2017, 2016 [url](#), p. 9



international meetings.<sup>161</sup> In February 2017, the Federal Cabinet of Pakistan endorsed the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.<sup>162</sup> According to the Pakistani newspaper Dawn, the policy included stricter implementation of immigration laws along the Afghan-Pakistan border, requiring registered refugees to hand in their PoR cards prior to returning to Afghanistan and to apply for a visa to re-enter Pakistan, as well as the extension of the refugees' period of stay until December 2017.<sup>163</sup> On 16 December 2019, UNHCR and the Governments of the Islamic Republics of Afghanistan, Iran and Pakistan initiated the SSAR Support Platform<sup>164</sup>, 'following the [Global Compact on Refugees]'s adoption in 2019 by Afghanistan'<sup>165</sup>. The SSAR Support Platform supports additional investments and expanded partnerships for refugees in Iran and Pakistan,<sup>166</sup> 'to aid efforts to include refugees in community-level systems'<sup>167</sup>.

In 2018, Afghanistan and Pakistan expanded their bilateral cooperation on a variety of issues under the Afghanistan Pakistan Action Plan for Peace and Solidarity (APAPPS).<sup>168</sup> APAPPS focussed on counterterrorism and violence reduction, peace and reconciliation, joint economic development as well as refugee repatriation.<sup>169</sup> In an October 2020 Policy Review of the Sustainable Development Policy Institute, Afghan conflict researcher Mushtaq Rahim is quoted saying that although the APAPPS had required a great deal of energy and resources, it was still only partially implemented.<sup>170</sup> According to a November 2021 article of the newspaper Dawn, Pakistani Foreign Minister Qureshi and newly Taliban-appointed Afghan Foreign Minister Muttaqi had agreed to 'revive existing bilateral mechanisms and institutional frameworks' including the APAPPS.<sup>171</sup>

### 1.3.2. Access to Pakistani citizenship

Article 4 of the Pakistan Citizenship Act, 1951 stipulates that:

'4. Citizenship by birth. Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth: Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth: (a) his father possesses such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Pakistan and is not a citizen of Pakistan; or (b) his father

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<sup>161</sup> UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, [url](#), p. 14

<sup>162</sup> UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, [url](#), p. 13

<sup>163</sup> Dawn, Strict implementation of immigration laws on Afghan border, 8 February 2017, [url](#)

<sup>164</sup> UNHCR, New SSAR Support Platform refocuses international attention on displaced Afghans, 19 December 2019, [url](#)

<sup>165</sup> SSAR Support Platform, About the Support Platform, n.d., [url](#)

<sup>166</sup> UNHCR, New SSAR Support Platform refocuses international attention on displaced Afghans, 19 December 2019, [url](#)

<sup>167</sup> SSAR Support Platform, About the Support Platform, n.d., [url](#)

<sup>168</sup> UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, [url](#), p. 11

<sup>169</sup> Dawn, New framework for talks with Afghanistan becomes operational, 15 May 2018, [url](#)

<sup>170</sup> SDPI, Revival of Af-Pak Dialogue amid COVID-19: What Needs to be Done?, October 2020, [url](#), p. 8

<sup>171</sup> Dawn, Afghan foreign minister Muttaqi to arrive in Islamabad tomorrow, 9 November 2021, [url](#)



is an enemy alien and the birth occurs in a place then under occupation by the enemy.<sup>172</sup>

There is no legal provision that deals with the citizenship of refugees and especially, Afghan refugees in Pakistan. The status of citizenship is not extended to Afghan refugees in Pakistan even if a child of an Afghan refugee is born in Pakistan. Some Afghan refugees sought to become naturalised citizens in Pakistan, but their requests were rejected at administrative and judicial levels.<sup>173</sup> The Express Tribune reported in March 2020 that an Afghan refugee has filed a petition in the Islamabad High Court (IHC) appealing for Pakistani citizenship on the basis of Article 4 of the Pakistani Citizenship Act, 1951.<sup>174</sup> Within the time constraints of this report, no information could be found on the progress or outcome of the petition.

Section 3 of the Naturalisation Act, 1926 stipulates that:

‘The Federal Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfied [the Federal Government] — (a) that he is not a minor; (b) that he is neither a citizen of Pakistan nor a subject of any state of which a citizen of Pakistan is prevented by or under any law from becoming a subject by naturalization; (c) that he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than four years; (d) that he is of good character; (e) that he had an adequate knowledge of a language which has been declared by the Federal Government, by notification in the official Gazette, to be one of the principal vernaculars of Pakistan; and (f) that he intends, if the application is granted, to reside in Pakistan or to enter or continue in the service of the State in Pakistan’.<sup>175</sup>

According to the study of ADSP, Afghan refugees who fulfil the criteria have not been granted naturalisation at discretion of the Federal government.<sup>176</sup>

On 16 September 2018, Prime Minister Imran Khan announced during a political rally in Karachi in the province of Sindh that ‘Afghans whose children have been raised and born in Pakistan will be granted citizenship *Inshallah* (God willing) because this is the established practice in countries around the world.’<sup>177</sup> While human rights organisations welcomed this approach,<sup>178</sup> the opposition parties in Pakistan reacted with strong criticism<sup>179</sup> prompting Imran Khan to back down.<sup>180</sup> Some analysts suspected that Khan’s move was motivated by party politics, as

<sup>172</sup> Pakistan, Pakistan Citizenship Act, 1951, 13 April 1951, [url](#), art. 4

<sup>173</sup> Nazir, F., Report on Citizenship Law Pakistan, EUDO Citizenship Observatory & RSCAS, December 2016, [url](#), p. 5; see also New York Times (The), Born and Raised in Pakistan, but Living in Legal Limbo, 28 December 2021, [url](#)

<sup>174</sup> Express Tribune (The), Alien moves court for Pakistani citizenship, 8 March 2020, [url](#)

<sup>175</sup> Pakistan, Naturalization Act, 1926, 26 February 1926, [url](#), art. 3

<sup>176</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 39

<sup>177</sup> Guardian (The), Pakistan's Imran Khan pledges citizenship for 1.5m Afghan refugees, 17 September 2018, [url](#)

<sup>178</sup> Guardian (The), Pakistan's Imran Khan pledges citizenship for 1.5m Afghan refugees, 17 September 2018, [url](#)

<sup>179</sup> Dawn, Opposition attacks PM's statement on citizenship for children of refugees, 25 September 2018, [url](#)

<sup>180</sup> Amparado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)





most Afghan refugees belong to the Pashtun ethnic group, which forms an important base for Khan's party, especially in Karachi.<sup>181</sup>

### 1.3.3. Marriage to Pakistani nationals

Article 10(2) of the Pakistan Citizenship Act 1951 provides that a foreign woman may acquire citizenship through marriage to a Pakistani man.<sup>182</sup> The mentioned Article (10) specifies the following:

'10. Married women. (1) Any woman who by reason of her marriage to a [British subject] before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

(2) Subject to the provisions of sub-section (1) and subsection (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, add, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether the migrated is provided in that sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is an alien, to her obtaining the certificate and taken the oath therein mentioned.

(4) A person who has ceased to be citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be registered with the previous consent of the Federal Government.'<sup>183</sup>

However, a foreign man cannot acquire the citizenship of Pakistan by marrying a Pakistani woman.<sup>184</sup> In 2016, Pakistani women married to Afghan nationals reportedly protested these legal provisions following attempts by the Pakistani government to repatriate their husbands.<sup>185</sup>

In March 2022, Mudassar M. Javed clarified this further by giving an overview of the two scenarios: an Afghan woman who marries a Pakistan national has 'a slim chance' to get the Pakistani nationality but the 'process is lengthy and cumbersome'. The children of this couple

<sup>181</sup> Guardian (The), Pakistan's Imran Khan pledges citizenship for 1.5m Afghan refugees, 17 September 2018, [url](#)

<sup>182</sup> Pakistan, Pakistan Citizenship Act, 1951, 13 April 1951, [url](#), art. 10

<sup>183</sup> Pakistan, Pakistan Citizenship Act, 1951, 13 April 1951, [url](#), art. 10

<sup>184</sup> Pakistan, DGIP, FAQs Regarding Immigration, 15 November 2021, [url](#); Dawn, Woman moves PHC against denial of citizenship to Afghan husband, 29 October 2021, [url](#); Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), pp. 20-21

<sup>185</sup> Dawn, Women seek Pakistani nationality for their Afghan spouses, 6 September 2016, [url](#)





are granted Pakistani citizenship if they do not have another citizenship already. By marrying a Pakistani national, the Afghan woman 'enters a new world since the Pakistani national has roots in the system and can take use of all the same opportunities as any other citizen'. An Afghan man marrying a Pakistani woman will not be granted Pakistani nationality.<sup>186</sup>

According to the Directorate General of Immigration and Passports (DGIP) which operates under the Pakistani Ministry of Interior (MoI), women who are married to Pakistani citizens and want to apply for Pakistani citizenship have to submit form 'F' to the relevant Home Departments at the headquarters in Islamabad or to the Regional Passport Offices at the provincial headquarters in Lahore, Karachi, Peshawar or Quetta and include:

- a copy of the Computerised National Identity Card (CNIC) and the passport of the husband
- one affidavit of the applicant and one of the husband, in which the 'facts of the case' are stated
- the submission fee of 200 Pakistani rupees (approximately EUR 1<sup>187</sup>)
- two certificates in which the particulars are verified by class one officers
- a photocopy of the applicant's passport, the marriage certificate (*nikah nama*) and an evidence of a stay of five years in Pakistan in the aggregate as well as ten photos.<sup>188</sup>

According to information in the aforementioned form 'F', the form itself has to be handed in quadruplicate (plus a photocopy of the domicile certificate of the applicant's husband) and all the aforementioned documents have to be attested by an oath commissioner or a notary public. In contrast to the information on the DGIP website, form 'F' states that applicants have to hand in only six photographs. They have to have a light blue background, be in passport size and colored. One of the photos needs to be attested on the front and the others on the back. Women who are nationals of a country which is not a member of the Commonwealth have to further hand in their own domicile certificate and an oath of allegiance on 20 Pakistani rupees (approximately EUR 0.1<sup>189</sup>) stamp paper, which has to be attested by a first class magistrate.<sup>190</sup>

In an undated article, the newspaper Dawn reported on an Afghan refugee woman who cited a NADRA official stating that 'dozens of female Afghan refugees fake a marriage in order to get a CNIC.'<sup>191</sup> In 2016, the GoP announced its decision to repatriate the Afghan refugees, which complicated the situation for Afghans married to Pakistanis. The NADRA also blocked the identity cards of Afghan women who married Pakistani men.<sup>192</sup>

According to a Gandhara news article, hundreds of Pakistani women married Afghan men over the past four decades.<sup>193</sup> Pakistani women married to Afghan men refused to accompany

<sup>186</sup> Javed, M.M., email, 2 March 2022; Javed, M.M., email, 3 March 2022

<sup>187</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>188</sup> Pakistan, DGIP, FAQs Regarding Immigration, 15 November 2021, [url](#); Pakistan, DGIP, Form F, n.d., [url](#), p. 1

<sup>189</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>190</sup> Pakistan, DGIP, Form F, n.d., [url](#), p. 1

<sup>191</sup> Dawn, Pakistan's stepchildren, n.d., [url](#)

<sup>192</sup> News International (The), Pakistani men who married Afghan women seek rules relaxation, 24 October 2016, [url](#)

<sup>193</sup> Gandhara, Pakistani Wives Want Their Afghan Husbands Back, 16 November 2016, [url](#)



their spouses when Pakistan insisted on repatriating Afghans. They held protests demanding the GoP to give their husbands Pakistani nationality.<sup>194</sup> In September 2016, Pakistani women in Peshawar gathered and asked the authorities to allow their Afghan husbands to stay with them in Pakistan.<sup>195</sup> In January 2017, Khyber News stated that the Pakistani government was considering giving a ‘special legal status’ to those Afghan nationals who were married to Pakistani women.<sup>196</sup> As explained by Mudassar M. Javed in March 2022, should Afghan refugees have to leave Pakistan, married couples of Afghan men and Pakistani women would be able to stay in the country, even if the other Afghan refugees in Pakistan ‘were ordered to leave’.<sup>197</sup> In October 2021, Dawn reported that a Pakistani woman married to an Afghan man requested the Peshawar High Court to declare section 10(2) of the Citizenship Act unconstitutional and discriminatory.<sup>198</sup> In December 2021, the Peshawar High Court requested Pakistan’s attorney general and interior minister to respond to her petition.<sup>199</sup> As of mid-March 2022, more recent information on the case could not be found during research for this report.

## 1.4. Treatment of Afghan refugees in Pakistan

### 1.4.1. Treatment of Afghan refugees by the state of Pakistan, including since the Taliban takeover in Afghanistan in August 2021

#### (a) Attitude of the state of Pakistan toward Afghan refugees

Pakistan hosts millions of Afghan refugees in its country. Throughout the years Pakistan has shifted its policy. At the start of the influx of Afghans seeking refuge in Pakistan in 1979, the Government of Pakistan (GoP) reportedly welcomed them, and Pakistan received financial assistance from the international community.<sup>200</sup> According to Amina Khan, researcher at the Institute of Strategic Studies Islamabad (ISSI), during the 1990s and especially in the year 2000 the international support for humanitarian relief declined and Pakistan’s perspective towards Afghan refugees changed. The presence of Afghan refugees in the country added to the strain on the national resources and economy of Pakistan. The Government of Pakistan urged for repatriation of the Afghan refugees.<sup>201</sup>

Perceived security implications of the presence of refugees and attributing crimes, drugs and militancy to Afghan refugees also played a role in the change in attitude in Pakistan.<sup>202</sup> As reported in 2015, despite their fierce criticism of refugees, law enforcement agencies have been unable to present figures on refugees’ involvement in crimes.<sup>203</sup> However, the attack on

<sup>194</sup> Khyber News, Afghans married to Pakistani women to get special legal status, 20 January 2017, [url](#)

<sup>195</sup> Dawn, Women seek Pakistani nationality for their Afghan spouses, 6 September 2016, [url](#)

<sup>196</sup> Khyber News, Afghans married to Pakistani women to get special legal status, 20 January 2017, [url](#)

<sup>197</sup> Javed, M.M., email, 2 March 2022; Javed, M.M., email, 3 March 2022

<sup>198</sup> Dawn, Woman moves PHC against denial of citizenship to Afghan husband, 29 October 2021, [url](#)

<sup>199</sup> Dawn, Peshawar High Court seeks govt response to plea against Citizenship Act, 4 December 2021, [url](#)

<sup>200</sup> MPI, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, [url](#)

<sup>201</sup> Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, [url](#), pp. 49-51

<sup>202</sup> Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, [url](#), p. 51; Khan

Khattak, R., Afghan refugees and NAP, 2 November 2015, PIPS, [url](#), pp. 146-147

<sup>203</sup> Khan Khattak, R., Afghan refugees and NAP, 2 November 2015, PIPS, [url](#), p. 147



the Army Public School in Peshawar on 16 December 2014, which was claimed by the Tehrik-e Taliban Pakistan (TTP), encouraged Pakistan further to advocate for repatriation.<sup>204</sup> In the wake of the 2014 Peshawar school attack, the Government of Pakistan developed the National Action Plan (NAP). Item 19 of the NAP stipulates the ‘formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees’.<sup>205</sup> In March 2015, the National Database and Registration Authority (NADRA) was tasked with the registration of undocumented Afghan refugees. (For more information on the various registration and documentation exercises, please see section [2. Documentation of registered and unregistered Afghan refugees](#)). During 2015 Pakistan reaffirmed its commitment to the voluntary repatriation of the refugees through the Enhanced Voluntary Return and Registration Package (EVRRP).<sup>206</sup> In the same timeframe the law enforcing agencies started a ‘crackdown’ against undocumented Afghans. According to the Pakistani newspaper Dawn, thousands of Afghans were arrested under the NAP.<sup>207</sup> According to Amnesty International (AI), following the Peshawar school attack, the Government of Pakistan ‘initiated a crackdown that subjected these refugees to harassment and surveillance. They were punished for the actions of the armed group responsible, which had links to Afghanistan, and demonized variously as “criminals”, “terrorists”, and “anti-Pakistani”’.<sup>208</sup>

According to AAN’s Jelena Bjelica, the growing enmity triggered Pakistan to oppress the Afghan refugees in different ways. One of the changing measures, besides a more violent approach, was a revision of the extension policy of the PoR cards. The period of extension became shorter. (For more information on this subject, please see section [2.1.1 PoR cardholders](#).) Moreover, Jelena Bjelica noted that ties between Pakistan and Afghanistan became strained due to growing bilateral ties between Afghanistan and India. According to returning Afghan refugees, hostility grew after the inauguration of the Salma Dam, a hydro-power station in Afghanistan’s Herat province financed by India.<sup>209</sup> Additionally, Amina Khan, researcher at the ISSI, stated that ties between Pakistan and Afghanistan deteriorated because of a border clash in June 2016<sup>210</sup> in which Afghan and Pakistani border guards exchanged fire at the Torkham border crossing.<sup>211</sup> This further affected Pakistan’s refugee policies.<sup>212</sup> In June 2016, the GoP tightened its border controls (see section [2.3.4 Cross-border movement](#)).<sup>213</sup> In February 2017, the Federal Cabinet approved the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals,<sup>214</sup> tightening the implementation of immigration laws along the Afghan-Pakistan border (see section [1.3.1 Laws and policies](#)).<sup>215</sup>

<sup>204</sup> New Humanitarian (The), Tweeting Hatred: The Hounding of Afghan Refugees in Pakistan, 4 July 2017, [url](#); Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, [url](#), p. 54

<sup>205</sup> Pakistan, NACTA, National Action Plan, 2014, n.d., [url](#), item 19

<sup>206</sup> Khan Khattak, R., Afghan refugees and NAP, 2 November 2015, PIPS, [url](#), pp. 147-148

<sup>207</sup> Dawn, Afghan govt seeks extension in stay of refugees in Pakistan, 30 May 2016, [url](#)

<sup>208</sup> AI, Pakistan: A chance to show leadership on refugee rights, 20 June 2019, [url](#)

<sup>209</sup> AAN, Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, [url](#)

<sup>210</sup> Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, [url](#), p. 56

<sup>211</sup> Al Jazeera, Afghanistan-Pakistan border clashes kill two soldiers, 14 June 2016, [url](#)

<sup>212</sup> Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, [url](#), p. 56

<sup>213</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#); News International (The), Policy for repatriation of Afghan refugees gets tougher, 27 June 2016, [url](#)

<sup>214</sup> UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, [url](#), p. 13

<sup>215</sup> Dawn, Strict implementation of immigration laws on Afghan border, 8 February 2017, [url](#)



In December 2019, at an informal quadripartite meeting held in Geneva, Pakistan agreed with Iran, Afghanistan and UNHCR to implement the ‘three pillars strategy of voluntary repatriation of Afghan refugees, sustainable reintegration in home country and support for host countries’.<sup>216</sup> In February 2020, Muhammad Abbas Khan, the Commissioner for Afghan Refugees (CAR) in the province of KHYBER PAKHTUNKHWA, stated that the refugee system of managing Afghan refugees in Pakistan needed to be reviewed. Abbas Khan remarked that in order to manage urban Afghan refugees in a more effective manner, the GoP might need to consider enacting a national refugee law.<sup>217</sup> Plans for a national refugee law had already been underway in the preceding years, however the law that was supposed to be passed in January 2018 was never passed.<sup>218</sup> For more detailed information on this subject and on laws and policies concerning Afghans in Pakistan in general, please see section [1.3.1 Laws and policies](#).

In August 2021, Helen Dempster and her co-authors stated in a CGD Policy Blog entry that the Government of Pakistan had already taken a tougher stance on Afghan refugees a few months before the Taliban’s return to power.<sup>219</sup> According to a September 2021 media article, prime minister Imran Khan had already consulted with Iranian president Raisi in early July 2021 and highlighted the ‘serious repercussions’<sup>220</sup> of an influx for both countries.<sup>221</sup> An undisclosed senior government official reportedly confirmed that both Imran Khan and Raisi planned on dealing with Afghan refugees by using the ‘Iranian model’,<sup>222</sup> which refers to the strategy of providing temporary refuge to Afghans in camps along the border with Afghanistan<sup>223</sup>. Dempster and her co-authors similarly mentioned Pakistan’s intention to shelter all newly arriving refugees in border camps.<sup>224</sup>

Following the Taliban takeover in August 2021, Pakistan reportedly voiced ambivalence about accepting Afghan refugees and has not offered an official welcome.<sup>225</sup> In spite of eyewitness reports of a continuous flow of people from newly Taliban-controlled Afghanistan entering Pakistan through the official Spin Boldak-Chaman border crossing, Pakistan’s interior minister stressed that these were not refugees, but rather ‘4 000 Afghans [...] with valid travel documents’<sup>226</sup>. (For more information on this subject, please see section [2.3.4 Cross-border movement](#)). Media articles also reported on statements by Pakistani government officials

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<sup>216</sup> Pakistan Today, Pakistan, Iran, Afghanistan, UNHCR seek repatriation of Afghan refugees, 11 October 2019, [url](#)

<sup>217</sup> Khan, M.A., Pakistan’s urban refugees: steps towards self-reliance, February 2020, [url](#), p. 52

<sup>218</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 10-11

<sup>219</sup> Amparado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>220</sup> Prime Minister’s Office, Pakistan [Twitter], posted on: 4 July 2021, [url](#)

<sup>221</sup> openDemocracy, Despite all the international attention, Afghan refugees are not welcome, 14 September 2021, [url](#)

<sup>222</sup> Dawn, Pakistan may emulate Iran over refugee influx, 6 July 2021, [url](#)

<sup>223</sup> openDemocracy, Despite all the international attention, Afghan refugees are not welcome, 14 September 2021, [url](#)

<sup>224</sup> Amparado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>225</sup> openDemocracy, Despite all the international attention, Afghan refugees are not welcome, 14 September 2021, [url](#)

<sup>226</sup> Dawn, No refugee camps along Afghan border: Sheikh Rashid, 6 September 2021, [url](#); openDemocracy, Despite all the international attention, Afghan refugees are not welcome, 14 September 2021, [url](#)



saying they would not allow Afghan refugees into the country,<sup>227</sup> on protests by Sindhi ethnic parties pressuring the federal government not to allow Afghan refugees into Sindh province,<sup>228</sup> on the deportation of newly arrived Afghan refugees (reportedly 965 Afghans from Quetta and 1 486 from Karachi and Lasbela as of October 2021),<sup>229</sup> and on the closure of makeshift camps of newly arriving Afghans by authorities<sup>230</sup>. In August 2021, Dempster and co-authors assumed that the predicted new influx of Afghan refugees might have negative effects on Afghans already residing in Pakistan, 'who have been used as a political bargaining chip for decades'.<sup>231</sup>

### **(b) Police attitudes and treatment of Afghan refugees**

Detailed information on the capacity, integrity issues and abuse of power by the police and security forces in Pakistan is available in the [EASO COI Report: Pakistan – Security situation \(October 2021\)](#).

According to Human Rights Watch, police harassment of Afghan refugees became a prevalent issue, especially after the December 2014 attack on the Army Public School in Peshawar. Pakistani police hostility toward Afghan refugees increased sharply during this period, affecting both unregistered and registered Afghans. This included raids on Afghan settlements, arrests, harassment and violence against Afghans, demands for bribes, and destruction of Afghan homes.<sup>232</sup> In July 2015, the number of police assaults reportedly began to decline. Still, in 2016, cases of 'widespread police extortion, arbitrary detention, deportation threats from Pakistani government officials, police raids on refugee shelters and apartments' were reported. Uncertainty about the extension of Afghan refugees' stay reportedly added to Afghans' fear of being deported.<sup>233</sup>

In 2017, the Pakistani newspaper Dawn, referring to documents from the Khyber Pakhtunkhwa government's prosecution and police departments, found that only 1.3 % of defendants in criminal cases from 2014 to September 2016 were Afghan refugees. According to Dawn, while some cases of crime in Khyber Pakhtunkhwa province were linked to Afghan refugees, the belief that they were responsible for the majority of crimes was given undue emphasis.<sup>234</sup> Recent sources confirm that there is still a widespread perception among Pakistani police and citizens that Afghan refugees are criminals and potential terrorists.<sup>235</sup> For more information on the Pakistani people's general attitude toward Afghan refugees, please see section [1.4.2](#)

<sup>227</sup> Dawn, Pakistan may emulate Iran over refugee influx, 6 July 2021, [url](#)

<sup>228</sup> Dawn, SAC holds protest against builders, refugee influx in Sindh, 6 September 2021, [url](#)

<sup>229</sup> Quetta Voice, Pakistan deports 700 Afghan refugees, 8 September 2021, [url](#); Dawn, Deporting Afghans: a never-ending story of miseries, 25 October 2021, [url](#)

<sup>230</sup> VOA Urdu, بلوچستان: بیغیر دستاویزات پاکستان میں داخل ہونے والے 700 افغان پناہ گزین بے دخل [Balochistan: 700 undocumented Afghan refugees deported], 8 September 2021, [url](#)

<sup>231</sup> Amparado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>232</sup> HRW, 'What Are You Doing Here?' Police Abuses Against Afghans in Pakistan, 18 November 2015, [url](#), p. 1

<sup>233</sup> HRW, Pakistan Coercion, UN Complicity - The Mass Forced Return of Afghan Refugees, 13 February 2017, [url](#), pp. 13, 17-18, 21

<sup>234</sup> Dawn, KP prosecution data gives lie to claims against Afghan refugees, 15 January 2017, [url](#)

<sup>235</sup> TRAFIG, Now more than ever - Afghans in Pakistan need more mobility and durable solutions to stay, TRAFIG practice note no. 7, 23 February 2022, [url](#); New York Times (The), Afghans Flee to Pakistan. An Uncertain Future Awaits, 1 November 2021, [url](#)



### General attitude of the Pakistan population towards Afghan refugees, including since the Taliban takeover in Afghanistan in August 2021.

For the period between 2017 and 2020, reports on police harassment of Afghan refugees continued,<sup>236</sup> but the number of incidents reportedly continued to decline.<sup>237</sup> Until August 2020, UNHCR published monthly updates on arrests and detentions of registered Afghan refugees (PoR cardholders) between 2016 and 2020. According to the data, most arrests, and detentions of PoR cardholders took place in 2016 (5 895 cases) followed by 2017 (3 744 cases). Since 2016, the number of arrests and detentions was decreasing, with 2019 (1 396 cases) being an exception, when the number again increased slightly compared to 2018 (1 344 cases). From January to August 2020, UNHCR documented 370 cases of arrested or detained PoR cardholders.<sup>238</sup>

In 2021, sources indicated that police harassment of Afghan refugees remained an issue.<sup>239</sup> An August 2021 study by Mielke and her co-authors, based on 62 semi-structured qualitative interviews and quantitative data from 299 surveyed participants obtained between December 2019 and March 2021, stated that police harassment of Afghans in Pakistan appeared to be pervasive and included extortion, corruption, and violence. In addition, study participants reported experiencing unannounced home and business searches, verbal abuse, and the prevalent notion that 'the police or security authorities can penetrate your space anytime'.<sup>240</sup> In February 2022, Mudassar M. Javed, chief executive officer of the Pakistani Society for Human Rights & Prisoners Aid (SHARP), stated during an interview, that the situation of Afghan refugees has improved since the beginning of Prime Minister Imran Khan's administration in 2018. As examples, he cited the decline in harassment cases against Afghan refugees.<sup>241</sup>

SHARP is one of two UNHCR partner organisations operating a total of nine Advice and Legal Aid Centers (ALACs) in the main refugee-hosting areas. ALAC organisations engage in direct interventions regarding the release of individuals arrested/detained because of their legal status. Moreover, ALAC teams conduct awareness events on legal issues and capacity-building activities among law enforcement agencies concerning refugee rights.<sup>242</sup> In their August 2021 study, Mielke et al cited the organisations EHSAR Foundation, UNDP, Strengthening Participatory Organization (SPO), and Paidar Development Organization (PDO) as also providing legal assistance throughout Pakistan, in addition to SHARP. However,

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<sup>236</sup> HRCP, State of Human Rights in 2017, April 2018, [url](#), p. 263; HRCP, State of Human Rights in 2018, March 2019, [url](#), p. 237

<sup>237</sup> USDOS, Country Report on Human Rights Practices 2017 - Pakistan, 20 April 2018, [url](#), p.28; USDOS, Country Report on Human Rights Practices 2018 - Pakistan, 21 June 2019, [url](#), p. 29; USDOS, Country Report on Human Rights Practices 2019 - Pakistan, 11 March 2020, [url](#), p. 28; USDOS, Country Report on Human Rights Practices 2020 - Pakistan, 30 March 2021, [url](#), p. 37

<sup>238</sup> UNHCR, Pakistan: Legal Assistance and Aid Programme Update (1 January – 31 August, 2020), 3 October 2020, [url](#), p. 1

<sup>239</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 21; Khilji, U., No choice but to leave, Dawn, 20 June 2021, [url](#). Usama Khilji is director of Bolo Bhi, an advocacy forum for digital rights.

<sup>240</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 21

<sup>241</sup> Javed, M.M., Zoom interview, 22 February 2022

<sup>242</sup> UNHCR, Pakistan Country Factsheet (January 2022), 14 January 2022, [url](#), p. 3; see also Javed, M.M., Zoom interview, 22 February 2022





according to the study, these organisations provide assistance exclusively to registered Afghans. The study's findings indicate that the main strategy of Afghans who are facing problems with the police and are unwilling or unable to bribe their way out of the situation is to seek legal assistance from NGOs - 'provided that the person is aware of it and knows, for example, the help line number'.<sup>243</sup>

According to Mudassar M. Javed, SHARP operates centres across Pakistan where qualified teams of lawyers and counsellors provide free legal assistance 24/7 regarding issues and concerns that also involve the Pakistani police. SHARP provides training for police officers, judicial officials, lawyers, and prosecutors. In border areas where refugees were reportedly harassed despite being able to present all required documents, SHARP carried out extensive trainings for police personnel. This led to a reduction in police harassment, as they were informed of the available IDs and documents to avoid confusion and thus to avoid harassing refugees.<sup>244</sup> The study co-authored by Mielke also mentioned the issue of police confusion about Afghan refugees' documents and their validity, stating that 'police would usually request proof of Afghans' legal status and, in many cases, do not know or deny the fact that the PoR cards [...] or ACC are valid with an updated notification'.<sup>245</sup>

Mudassar M. Javed explained that bribery is a very common practice in the South Asian region in general. However, he also recognised some improvements in this regard, as systems are becoming more transparent and accountable due to the growing influence of social media. He acknowledged that Afghan refugees often find themselves in difficult situations, especially at the border, 'but it is not prevalent that every police officer takes bribes from refugees'. More generally, Javed added that harassment is not a regular practice and that police services are improving.<sup>246</sup> Meanwhile, the aforementioned August 2021 study co-authored by Mielke et al referred to 'many respondents' who reported having paid money to police officers to get out of police encounters. Such payments at checkpoints reportedly ranged from 200 to 6 000 Pakistan rupees (approx. EUR 1 to EUR 30<sup>247</sup>). Payments for the release of individuals arrested for allegedly having expired documents reportedly reached up to 20 000 Pakistan rupees (approx. EUR 100<sup>248</sup>).<sup>249</sup>

In the case of conflict, Afghans reportedly seek to resolve these among themselves whenever possible, out of fear of Pakistani security and law enforcement agencies, especially the police. Based on a long tradition of community conflict resolution in Afghan as well as Pakistani areas, this is also the case when members of the host community are involved. Thus, Afghans rely on their own conflict resolution structures and attribute significant authority to 'communal leadership and traditional authority structures (elders)' in conflict resolution.<sup>250</sup> In addition,

<sup>243</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 13

<sup>244</sup> Javed, M.M., Zoom interview, 22 February 2022

<sup>245</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 21

<sup>246</sup> Javed, M.M., Zoom interview, 22 February 2022

<sup>247</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>248</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>249</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 21

<sup>250</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 22



Mielke et al reported that female residents of the peri-urban Pul Saggian site (Lahore) felt unsafe and powerless following child kidnappings and a murder that police had failed to properly investigate.<sup>251</sup>

Following the government change in Kabul in August 2021, many Afghans have entered Pakistan, leading to a renewed escalation of the refugee issue. Although police harassment has decreased slightly in recent years, authorities are now more vigilant again due to the influx of new arrivals. Mudassar M. Javed explained that security-related incidents have also increased and the number of attacks in Pakistan has risen again. Security checks have been tightened in some areas in Khyber Pakhtunkhwa and Balochistan. However, these security checks are not pervasive, and the Pakistani police is not equipped to carry out checks or arrest people on a constant basis. Moreover, if police officers arrest large numbers of people without just cause, there is a high likelihood that those arrested will be released in court and officers will have to justify in court why those people were arrested in the first place. According to Javed, the Pakistani government has not taken any strict measures or shown harsh treatment toward newly arrived Afghans, however the government has not yet announced a clear policy regarding newly arriving Afghans.<sup>252</sup> According to an open letter by the Human Rights Commission of Pakistan (HRCP) dated November 2021, the lack of clarity on how to respond to the influx is causing concerns, particularly among border guards and police. Reports indicate that refugees are being extorted, denied entry, and even subjected to violence by the Pakistani authorities.<sup>253</sup>

### **(c) Freedom of Movement**

Article 3 Section 2(e) of The Foreigners Act, 1946 stipulates that:

‘(2) In particular and without prejudice to the generally of the foregoing power orders made under this section may provide that the foreigner [...]

(e) shall comply with such conditions as may be prescribed or specified

(i) requiring him to reside in particular places;

(ii) imposing any restrictions on his movements [...].’<sup>254</sup>

Article 11 of The Foreigners Order, 1951 stipulates that:

‘The civil authority may, by order in writing, direct that any foreigner shall comply with such condition as may be specified in the order in respect of-

(1) his place of residence,

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<sup>251</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 16-17

<sup>252</sup> Javed, M.M., Zoom interview, 22 February 2022

<sup>253</sup> HRCP, Open letter: The situation of Afghan refugees cannot continue to be ignored, 22 November 2021, [url](#)

<sup>254</sup> Pakistan, The Foreigners Act, 1946 (Act XXXI of 1946), 23 November 1946, including amendments as of 28 April 2016, [url](#), art. 3, section 2(e)





- (2) his movements,
- (3) his association with persons of a description specified in the order, and
- (4) his possession of such articles as may be specified in the order.’<sup>255</sup>

According to the June 2019 ADSP study, in the early years of the influx of Afghan refugees into Pakistan (1979-1985) the government allowed freedom of movement.<sup>256</sup> UNHCR noted that the PoR card provides the holders with freedom of movement.<sup>257</sup> A September 2018 report of the Danish Refugee Council (DRC) stated that ‘there are no official regulations that limit freedom of movement or embargo areas’, neither for registered PoR cardholders and ACC holders, nor for undocumented Afghans.<sup>258</sup> The ADSP study explained that PoR cardholders living outside camps do not need documents to travel to other areas. PoR cardholders living in a camp receive a travel permit granted by the administrator of the refugee village. All other Afghans residing in Pakistan can travel to other areas but those without legal documents or travel documents are at risk of apprehension when they travel outside of their place of residence.<sup>259</sup> In its 2018 report, the DRC noted the following concerning the freedom of movement of Afghans on Pakistan:

‘However, the gradual tightening up of registration processes, accelerated repatriation, and increasing harassment, imprisonment, and threats of deportation have undermined their freedom of movement, in practice creating, as in Iran, an informal coercive environment especially for the undocumented: Afghans have restricted movements outside the refugee villages or their homes, thereby also limiting access to better-paying economic opportunities.’<sup>260</sup>

Similarly, a February 2022 practice note based on the aforementioned study co-authored by Mielke indicated that ‘the fear of abuse and detention keeps Afghans immobilised in their place of residence in Pakistan’. Furthermore, the GoP’s efforts to seal the Afghan-Pakistani border alongside the introduction of rigorous visa requirements for (re)entry increasingly hamper their cross-border mobility.<sup>261</sup> For more information on cross-border movements between Afghanistan and Pakistan, please see section [2.3.4 Cross-border movement](#).

With the spread of the COVID-19 pandemic in early 2020, lockdowns of refugee villages and urban areas restricted the freedom of movement of Afghan refugees, severely impacting the livelihoods of this group, most of whom depend on daily wages.<sup>262</sup> For more information on Afghans’ access to employment, please see section [3.2 Employment](#).

<sup>255</sup> Pakistan, Foreigners Order, 1951, 26 October 1951, [url](#), art. 11

<sup>256</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 38

<sup>257</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>258</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), p. 22

<sup>259</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 20

<sup>260</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), p. 22

<sup>261</sup> TRAFIG, Now more than ever - Afghans in Pakistan need more mobility and durable solutions to stay, TRAFIG practice note no. 7, 23 February 2022, [url](#), p. 1

<sup>262</sup> Macro Pakistani, How has COVID-19 affected Afghan refugees in Pakistan?, 15 February 2021, [url](#); VOA, COVID Lockdown Opens Life for Overlooked Afghan Refugees in Pakistan, 13 May 2020, [url](#); see also MENAFN, Pakistan- Afghan refugees camps in Nowshera, Lower Dir sealed, 9 April 2020, [url](#)



Amid the withdrawal of U.S. and NATO forces from Afghanistan and the subsequent Taliban advance, several media outlets cited Pakistani government officials in July and August 2021 and reported that in the event of a large influx of refugees, Pakistan planned on settling newly arriving Afghan refugees in camps along the border to prevent them from moving further into the country and into Pakistani cities.<sup>263</sup> (For more information on this subject, please see section 1.4.1 (a) [Attitude of the state of Pakistan toward Afghan refugees](#)). As reported by the U.S. magazine Foreign Policy (FP) in November 2021, in a settlement in the area of Peshawar with a sizeable Afghan population, dozens of new arriving Afghans tried to remain under the radar - due to fear of being stopped by authorities if they moved too far from the neighbourhood.<sup>264</sup>

#### **1.4.2. General attitude of the Pakistani population towards Afghan refugees, including since the Taliban takeover in Afghanistan in August 2021**

A study by Mielke et al published in August 2021 found that ‘the overall strong social cohesion that had existed between Afghans and Pakistani hosts’ was decreasing’. The Pakistani government preceding the recent government of Imran Khan had contributed to this development by supporting a discourse that associated Afghan refugees with terrorism and security issues in Pakistan.<sup>265</sup> As Afghans were wrongly blamed for the attack on the Peshawar Public Army School in December 2014, hostility increased. According to Mielke, from 2015 onwards, on one hand, the Pakistani population ‘has developed a hostile attitude towards Afghans’ presence’, which was reflected in expert interviews conducted for the study.<sup>266</sup> On the other hand, a quantitative survey conducted with Afghans in Pakistan focussing on recent dynamics found that the vast majority of the 299 survey respondents (82 %) felt accepted ‘by other people, including Pakistani citizens, at their place of living’ and only 4 % ‘felt rejected by the host community’. The remaining respondents (14 %) had experienced both. The authors interpreted these results as ‘an indicator of a relatively high social cohesion among residents of Afghani and Pakistani origin’.<sup>267</sup> The researchers therefore found that while ‘[s]ocial cohesion between Afghans and the host society has traditionally been high’, ‘[r]elations have moved from support to “coexistence in tension” with risks of violent escalation’.<sup>268</sup>

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<sup>263</sup> Dawn, Pakistan may emulate Iran over refugee influx, 6 July 2021, [url](#); VOA, Pakistan Refuses to Host Additional Afghan Refugees, 13 July 2021, [url](#); Time, Afghans Who Fled the First Taliban Regime Found Precarious Sanctuary in Pakistan. New Refugees May Get an Even Colder Welcome, 18 August 2021, [url](#)

<sup>264</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>265</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 35; see also ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 7; Borthakur, A., Afghan refugees: The impact on Pakistan, 10 October 2017, [url](#), p. 505

<sup>266</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 34-35; see also Borthakur, A., Afghan refugees: The impact on Pakistan, 10 October 2017, [url](#), p. 505

<sup>267</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 31

<sup>268</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 35



The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reported in a Humanitarian Bulletin covering September 2016 that ‘many returnees cited increased pressures by authorities and host communities.’<sup>269</sup> In February 2017, Human Rights Watch (HRW) reported about the hostility of the Pakistani community towards Afghan refugees. Human Rights Watch noted from interviews with Afghan refugees and undocumented Afghans in Pakistan and returnees in Afghanistan that after the death of an official of the Pakistani army near the Afghan border in June 2016 there was a shift in the attitude of the local population. According to Human Rights Watch, local communities told the Afghan refugees ‘to go home’ and they referred to the Afghan refugees as ‘sons of Hindus’, referring to the improved ties of India with Afghanistan.<sup>270</sup>

In June 2019, the Tribal News Network (TNN) cited a minister of the provincial Government of KHYBER PAKHTUNKHWA, who stated that ‘Pakistan’s peace, business activities and infrastructure were [sic] affected due to the long stay of Afghan refugees.’<sup>271</sup> Villagers of Koga Village in Buner asked the government to vacate the Afghan refugee village in Koga because of frictions about land and businesses. The villagers blamed the Afghan refugees for occupying agricultural land. They stated that the Afghan refugees are a ‘burden’ on the economy.<sup>272</sup> Muhammad Abbas Khan, the Commissioner of CAR in the province of KP, stated in February 2020 that there are some frictions between the host and refugee communities due to ‘competition over limited resources’ and ‘hosting fatigue’.<sup>273</sup>

A 2020 study conducted in the city of Gujrat in Punjab province with 31 adult Afghan scavengers based on qualitative interviews conducted in 2016 found that their relationship with the local Pakistani population was rather peaceful and based on mutual respect and that conflict was rarely experienced. However, the authors also stated that the ‘friendly relationship between Punjabi hosts and Afghan refugees is likely to be influenced by the cultural and religious similarities between the two’.<sup>274</sup> A study published in 2020 by Javed and others based on interviews with 590 Afghans in Quetta, Karachi, Peshawar, Rawalpindi and Islamabad and 250 respondents from the host community in 2018, found that the greater part of Afghans felt that ‘the host community was very receptive and cordially received refugees on their arrival’ with only 4 % of the respondents stating that they did not have much interaction with the local community.<sup>275</sup> Afghan respondents in KP reported incidents, where refugees were bullied by the host community to go back to Afghanistan and respondents in Balochistan stated that they were sometimes asked by the host community when they would return to Afghanistan.<sup>276</sup>

The host community respondents of the survey by Javed and others stated that ‘they had good relations with refugees and also have Afghan friends’. They reported that social and

<sup>269</sup> UNOCHA, Afghanistan Humanitarian Bulletin Issue 56 | 01-30 September 2016, 13 October 2016, [url](#), p. 5

<sup>270</sup> HRW, Pakistan Coercion, UN Complicity - The Mass Forced Return of Afghan Refugees, 13 February 2017, [url](#), p. 26; see also Borthakur, A., Afghan refugees: The impact on Pakistan, 10 October 2017, [url](#), p. 505

<sup>271</sup> TNN, KP govt opposes further extension in stay of Afghan refugees, 9 June 2019, [url](#)

<sup>272</sup> TNN, Villagers ask govt to vacate Afghan refugees’ camp in Buner, 29 June 2019, [url](#)

<sup>273</sup> Khan, M.A., Pakistan’s urban refugees: steps towards self-reliance, February 2020, [url](#), p. 51

<sup>274</sup> Malik, B. et al., Understanding the Relationship Between Refugees and the Host Community Through Afghan Refugees’ Lived Experiences in Pakistan, 2020, [url](#), p. 49

<sup>275</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), p. 8

<sup>276</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), pp. 12-13



cultural events and religious festivities were jointly celebrated and that the two communities helped each other when in need. The study further stated that the local community wanted the government to either grant refugees the Pakistani nationality, which was believed to benefit the Pakistani population, or ‘make arrangements for their repatriation’.<sup>277</sup> For 35 % of the host community respondents the social cohesion with refugees was peaceful. 25 % found it difficult but manageable and 27 % found it challenging. The remaining said they did not know or had other experiences.<sup>278</sup>

Khalid Khan Kheshgi, senior staff reporter with The News International and a senior correspondent with Mashaal Radio/Radio Free Europe in Peshawar stated in March 2022 that the attitude of the population in Pakistan towards Afghans has slightly changed after the Taliban’s takeover of power in Afghanistan in August 2021. In the public’s perception the takeover implies that the war is over in Afghanistan and the Afghans therefore ‘now should go back to their home country.’ In the cities sometimes Pakistani traders and businessmen have problems with the Afghan refugees because they have the same interests as the Afghan refugees in setting up small business, restaurants or doing trade. According to Kheshgi, among those people there is a ‘sense of jealousy’.<sup>279</sup>

In February 2022, Mudassar M. Javed described the relation between the communities as ‘a peaceful coexistence’ and stated that incidents have not increased after the Taliban came to power in Afghanistan. Bearing in mind that Pakistan has hosted such a big number of refugees for four decades, ‘no one would differentiate whether one is a refugee, Afghan, Pashtun Pakistani’, however, one can observe these differences only when one starts interacting with them (Afghan refugees). After the Peshawar School attack in December 2014, however, issues related to refugees ‘came into social media’ and the Pakistani population became more aware of the refugee population and of their numbers, of which they have not been as aware before. This led to an increased tension, but in some local communities, local people ‘always protect refugees’.<sup>280</sup> According to Javed, incidents that involve ‘physical attacks’ can happen for instance, in business related issues, however, they are not a ‘regular phenomenon’.<sup>281</sup>

### **1.4.3. Treatment of Afghan refugees by ISKP and the Afghan Taliban based in Pakistan**

Within the time constraints of this report, no publicly available information could be found on the treatment of Afghan refugees by the Pakistan-based Afghan Taliban and the Tehrik-e Taliban Pakistan (TTP). Katja Mielke, senior researcher at the Bonn International Centre for Conflict Studies, who has conducted extensive research on the situation of Afghans in Pakistan, confirmed that sources on this subject were very scarce. However, to the best of her knowledge, Mielke assumed that in general Afghan refugees were not threatened by the Afghan Taliban residing in Pakistan for the following reasons: 1) Afghans are allowed to leave Afghanistan<sup>282</sup>, a process managed in agreement with the Taliban authorities. However,

<sup>277</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), p. 13

<sup>278</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), p. 14

<sup>279</sup> Khan Kheshgi, K., email, 2 March 2022

<sup>280</sup> Javed, M.M., email, 2 March 2022

<sup>281</sup> Javed, M.M., email, 2 March 2022

<sup>282</sup> Al Jazeera, Afghans with correct legal documents may travel abroad: Taliban, 2 March 2022, [url](#)



officially papers are required, especially for those Afghans who have received formal admission to other foreign countries because they were formerly employed by their respective governments or contractors and implementing agencies. For this group, crossing the border into Pakistan and onward travel from Pakistan is officially regulated. 2) As for the Afghan refugees who came to Pakistan years ago, Mielke highlighted that many Taliban themselves belong/belonged to this very group. Due to the largely apolitical stance of many Afghans in Pakistan, there are generally no open lines of conflict. Moreover, the Afghan Taliban are currently seeking to establish legitimacy among the Afghan population at home and abroad and therefore try to avoid discrimination or attacks as much as possible. By comparison, Mielke highlights the potential threat to both the Afghan and Pakistani populations within Pakistan posed by the Islamic State Khorasan Province (ISKP) group, as the attack on the Shiite Mosque in Peshawar on 4 March 2022 demonstrated.<sup>283</sup> A March 2022 New York Times article mentioned that the Peshawar Mosque attack was carried out by an ISKP affiliated Afghan national who had lived in Pakistan for decades. In the attack, at least 63 people were killed and 200 injured.<sup>284</sup>

During the review of this report, journalist and researcher Zia Ur Rehman mentioned that Hazara activists fear that ISKP could target the Hazara refugees in Pakistan. In 2021, ISKP already claimed responsibility for the killings of several Afghan Taliban leaders in Pakistan.<sup>285</sup> According to Mielke, there are certain overlaps between the TTP and the ISKP in contrast to the Taliban in Afghanistan. These concern the ideological orientation and personnel affiliations. The latter manifests in various relations and roles of members of the Haqqani network in both the TTP (as mediators in TTP-GoP meetings) and ISKP. Ideologically, both organisations differ from the Afghan Taliban, which have a nationalist agenda while the TTP seeks the overthrow of the Pakistani government and the establishment of an (unspecified) caliphate, while the ISKP seeks to establish a worldwide caliphate. The Taliban's Hanafi ideological orientation, even in its Deobandis extreme variation is distinct from the Salafists' who, e.g., employ the principle of *Takfir* to declare certain groups like Shia-Hazaras non-Muslims. According to this logic, Shiite Afghans (Hazara) and their institutions, such as schools or mosques, constitute potential targets of ISKP attacks in Pakistan's cities.<sup>286</sup> The same holds true for militant groups under the TTP umbrella, who have a record of attacks against Shia Muslims in Pakistan,<sup>287</sup> in particular in the Parachinar area. In both cases, persecution is based on sectarian grounds and not because of national origin as Afghans.<sup>288</sup>

<sup>283</sup> Mielke, K., email, 14 March 2022

<sup>284</sup> New York Times (The), Pakistan Identifies Peshawar Suicide Bomber and Network, Police Say, 5 March 2022, [url](#)

<sup>285</sup> Rehman, Z.U., comment made during the review of this report, 28 March 2022; see also Arab News, Third Taliban leader killed in Peshawar in past 4 months, 20 April 2021, [url](#)

<sup>286</sup> Mielke, K., email, 14 March 2022

<sup>287</sup> Diplomat (The), What Role Does the State Play in Pakistan's Anti-Shia Hysteria?, 17 September 2020, [url](#); see also Reuters, Bomb near mosque in northwest Pakistan kills at least 22, wounds dozens, 31 March 2017, [url](#)

<sup>288</sup> Mielke, K., email, 14 March 2022



## 2. Documentation of registered and unregistered Afghan refugees

### 2.1. Registered Afghan refugees

#### 2.1.1. PoR cardholders

##### (a) History

A 2002 Human Rights Watch report stated that the Government of Pakistan issued so-called passbooks (also known as *Shanakhti* passes) in the early years of the 1980s. The passbooks provided no legal protection and were used only for assistance.<sup>289</sup> According to a Danish Refugee Council report authored by Roger Zetter, an emeritus professor for refugee studies at the University of Oxford, 'until 2006, Afghan refugees in Pakistan did not require legal documents'.<sup>290</sup>

In December 2004, a Memorandum of Understanding (MoU) was signed between UNHCR and the Government of Pakistan agreeing to conduct a detailed census of Afghans who had arrived after 1 December 1979. The MoU led to a countrywide census of the Afghan refugee population, carried out by the Population and Census Organization (PCO) of Pakistan between 25 February 2005 and 11 March 2005. Around three million Afghans were counted in the census.<sup>291</sup>

In April 2006, a MoU on the Registration of Afghan Citizens in Pakistan was signed between the Government of Pakistan and UNHCR. Under this MoU, the National Database and Registration Authority (NADRA) was responsible for executing the registration. Staff from UNHCR monitored the registration process. Staff from the Afghan Ministry of Refugees and Repatriation (MORR) were 'also closely involved in the assisting in the registration and monitoring the process'. Biometrics (fingerprints and facial recognition) were included to ensure the credibility of the registration. Only Afghan refugees who arrived or were born after 1 December 1979 in Pakistan and who were enumerated in the census of 2005 (result of the census: 3 049 268 persons) were eligible for registration.<sup>292</sup> In December 2006 it was decided that all Afghans who had documented evidence that they were living in Pakistan at the time of the census should participate in the registration process.<sup>293</sup>

The registration was conducted in different phases. First, a pilot project was set up from 1 October 2006 until 10 October 2006 in two 'selected locations' in the North-West Frontier Province (NWFP) and in Punjab province to test the registration technology and refine the process. Then a first registration phase that started on 15 October 2006 and lasted until

<sup>289</sup> Human Rights Watch, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, [url](#), p. 19

<sup>290</sup> DRC, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, [url](#), p. 16

<sup>291</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), pp. 1, 3

<sup>292</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 3

<sup>293</sup> New Humanitarian (The), UN cautions on Afghan refugee camp closures, 17 January 2007, [url](#)





31 December 2006 was rolled out in the whole country. This was followed by a second registration phase that took place from 4 January 2007 until 15 February 2007.<sup>294</sup> As reported by UNHCR, 2 153 088 Afghans were registered between 1 October 2006 and 15 February 2007, a figure 30 % below the census total of 2005. This discrepancy was attributed to the fact that 582 535 persons had been repatriated during 2005–06 while another 313 645 persons did not register.<sup>295</sup> The NADRA was also responsible for issuing the PoR (Proof of Registration) cards.<sup>296</sup> More than 1.5 million PoR cards were printed and distributed in 2007, with all registered Afghans (aged five years and above) receiving PoR cards<sup>297</sup> with personal and biometric data<sup>298</sup>. These cards granted holders temporary legal stay and freedom of movement within Pakistan<sup>299</sup> and were initially issued with an expiry date of December 2009<sup>300</sup>. As Katja Mielke and her co-authors noted in their 2021 research paper, no rights other than protection from refoulement have been officially attached to PoR card holder status.<sup>301</sup>

A database (maintained by the NADRA) was established to store the demographic and biometric data of all Afghan refugees for whom a PoR card was issued.<sup>302</sup> At the 12th Tripartite Commission meeting held in February 2007, the Government of Pakistan, the Government of Afghanistan and UNHCR agreed to link the PoR card to new modalities of voluntary repatriation and to an enhanced reintegration package when returning to Afghanistan.<sup>303</sup>

With the PoR cards issued for a limited validity period, a PoR cards verification exercise was conducted in 2010, updating the number of PoR cardholders to 1.8 million.<sup>304</sup> The renewed cards issued during this exercise had an expiry date of 31 December 2012.<sup>305</sup> The next PoR exercise was conducted from February 2014 until the end of 2014 and all Afghans whose PoR cards had formally expired in December 2012 were eligible to have their cards renewed. Also, children who had reached the age of five years since the 2010 exercise and had until then been registered with their parents were entitled to receive their own PoR cards.<sup>306</sup> Moreover, the campaign involved the registration of children born to registered parents in the previous five years (i.e. under-five-year-olds).<sup>307</sup> In 2014, the number of PoR cardholders was updated to

<sup>294</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 3

<sup>295</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 4

<sup>296</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 1

<sup>297</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 2

<sup>298</sup> UNHCR, The Global Report 2006, 30 June 2007, [url](#), p. 365

<sup>299</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>300</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#); see also Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, archived page from 17 February 2019, [url](#)

<sup>301</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 10

<sup>302</sup> Pakistan, NADRA, Afghan National Registration, n.d., [url](#)

<sup>303</sup> UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, archived page from 15 April 2017, [url](#), p. 2

<sup>304</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>305</sup> Dawn, Afghan refugee cards valid, says minister, 25 October 2013, [url](#)

<sup>306</sup> UNHCR, UNHCR urges Afghan refugees to renew their PoR cards to retain refugee status, 1 October 2014, [url](#); see also UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>307</sup> UNHCR, NADRA with support from UNHCR has delivered 50 percent of the new POR cards to Afghan refugees, 1 May 2014, [url](#)



around 1.4 million and the new validity date for the PoR cards was set until 31 December 2015.<sup>308</sup>

In 2021, a new PoR card exercise referred to as the Documentation Renewal and Information Verification Exercise (DRIVE) was implemented to verify and update the personal data of about 1.4 million registered Afghan refugees<sup>309</sup> whose PoR cards had expired at the end of 2015<sup>310</sup> and to provide them with new PoR smartcards that were ‘based on the same technology used for Pakistani citizen identification cards’<sup>311</sup> and could be renewed digitally.<sup>312</sup> According to a local expert interviewed by Mielke and others, the new smartcards were said to be ‘more technologically advanced than the previous PoR cards, more secure, long-living, and to contain a chip with biodata comprising fingerprints of all ten fingers and a facial recognition system but excluding iris scan’. The chip is connected to a centralised data management system at NADRA.<sup>313</sup>

Following a brief pilot phase<sup>314</sup> and postponement due to the country’s third COVID-19 wave<sup>315</sup>, the DRIVE campaign, implemented by the Government of Pakistan, SAFRON, CCAR and the NADRA, and supported by UNHCR,<sup>316</sup> was rolled out from 15 April 2021 until the end of December 2021.<sup>317</sup> As of 31 December 2021, UNHCR reported that a cumulative total of 1 384 148 persons had been processed across the country. This included the verification of data of 884 629 registered refugees who would be issued a new PoR smartcard and of 169 628 registered children above the age of five, who became eligible to have their own PoR smartcards. Moreover, the above figure included 198 705 under-five-year-old children of PoR cardholders who were set to be newly registered once their documents had been validated.<sup>318</sup> As UNHCR stated in mid-March 2022, the data collection phase ended on 31 December 2021, with an additional two-month grace period conducted at 12 sites until 28 February 2022.<sup>319</sup> As of 31 December 2021, around 74 % of Afghan refugees holding PoR cards issued during the previous exercise took part in DRIVE.<sup>320</sup> According to UNHCR, the data cleaning phase was ongoing as of mid-March 2022, with the final data expected to become available in April 2022.<sup>321</sup>

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<sup>308</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>309</sup> UNHCR, Pakistan concludes ‘drive’ to issue smartcards to registered Afghan refugees, 4 January 2022, [url](#)

<sup>310</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>311</sup> UNHCR, Government delivered first new Proof of Registration smartcards to Afghan refugees, 25 May 2021, [url](#)

<sup>312</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>313</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 10

<sup>314</sup> UNHCR, Pakistan concludes ‘drive’ to issue smartcards to registered Afghan refugees, 4 January 2022, [url](#)

<sup>315</sup> UNHCR, PoR card renewal, verification exercise for Afghan refugees postponed due to COVID-19, 31 March 2021, [url](#)

<sup>316</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 1

<sup>317</sup> UNHCR, Pakistan concludes ‘drive’ to issue smartcards to registered Afghan refugees, 4 January 2022, [url](#)

<sup>318</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 2

<sup>319</sup> UNHCR, email, 15 March 2022

<sup>320</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 1

<sup>321</sup> UNHCR, email, 15 March 2022





By the end of December 2021, over 700 000 new smartcards had been issued.<sup>322</sup> In mid-March 2022, UNHCR reported that the process of issuing new PoR smartcards was continuing, with 887 000 smartcards distributed as of 1 March 2022. These cards are generally ‘available for collection 20 days after an interview, meaning that those refugees interviewed in late February should be able to collect their cards before the end of March [2022]’. Cards that have not been collected would be available at the new PoR Card Modification (PCM) centres, expected to start operating in April 2022.<sup>323</sup> For more information on the PCM centres, see the following subsection.

Regarding Afghan refugees who were eligible to have their data verified during DRIVE but may have been prevented from taking part in the exercise due to circumstances beyond their control, UNHCR explained in mid-March 2022 that a proposal was being worked out to provide the possibility ‘to verify and issue new PoR smartcards to otherwise eligible refugees who could not engage during DRIVE’ for a limited period of time, and subject to proof of exceptional circumstances. The proposal’s details, such as the time period and the criteria to be met still remained to be finalised.<sup>324</sup>

## **(b) Registration process and renewal, modification, and replacement of PoR cards**

### **Registration**

Regarding new registrations of Afghans as refugees, UNHCR stated in April 2021 that Afghans who have never held a PoR card (including family members of PoR cardholders who have never been registered with NADRA) cannot be issued PoR cards. However, this does not apply to newly born children of PoR cardholders under the age of five. These children can be registered by their parents.<sup>325</sup>

UNHCR stated in April 2021 that for such children to be issued a PoR card, the parent who holds a valid PoR card on the back of which the child’s registration information is recorded must accompany the child to a PoR card modification (PCM) centre to have the child’s photo and biometric data recorded. Once this process has been completed, the parent’s PoR card will also need to be modified and re-issued. As the source indicated, newly issued PoR cards ‘should be available for collection at the PCM centre within two weeks of the application’.<sup>326</sup> During the 2021 DRIVE exercise the PCM centres were closed<sup>327</sup> while NADRA (as part of DRIVE) issued PoR smartcards for Afghan PoR-cardholders and new-borns, thereby extending their registration until the end of 2023’.<sup>328</sup> As UNHCR wrote in mid-March 2022, operations at the PCM centres remained suspended. Preparations were underway for the resumption of

<sup>322</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 1

<sup>323</sup> UNHCR, email, 15 March 2022

<sup>324</sup> UNHCR, email, 15 March 2022

<sup>325</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), pp. 1, 3; see also Human Rights Watch, Pakistan: Stop Forced Returns of Afghans, 21 February 2015, [url](#)

<sup>326</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), pp. 2-3

<sup>327</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>328</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 10



activities at the PCM centres ‘with strengthened functions and in an increased number of locations’. The centres were expected to reopen in April.<sup>329</sup>

#### PoR card renewal

As UNHCR explained ahead of the latest DRIVE exercise in 2021, to obtain their new PoR smartcards during the exercise, eligible Afghan refugees (i.e. those who were registered and holders of PoR cards with an expiry date of 31 December 2015) first needed to make an appointment before visiting a PoR DRIVE site. When scheduling their appointment, a specific PoR DRIVE site would be designated for them. Where possible, this would be the site located ‘closest to the PoR cardholder’s place of residence’. Once the appointment has been made, he or she would receive ‘an SMS confirming the time, date and location of the appointment’.<sup>330</sup> The DRIVE exercise was carried out at 40 sites across the country as well as by ‘seven mobile teams covering vulnerable groups and numerous remote locations’.<sup>331</sup>

On the scheduled day of appointment, ‘PoR cardholders and their immediate family members must visit in person the PoR DRIVE site’. Cardholders were obliged to make their own arrangements for travel to the site and both they and their immediate family members, including women and children, were obliged to ‘bring their original PoR card with an expiry date of 31 December 2015’. During their visit, interviews would be conducted, and fingerprints and photographs taken to confirm and update personal data of the cardholder and their close family members.<sup>332</sup>

Following the interview and a processing period of a few weeks, new PoR smartcards would be ‘issued to all eligible registered Afghan refugees’. Cardholders would be notified by SMS when the new PoR card is ready and where to collect it.<sup>333</sup>

To register a biological child under the age of five, it is mandatory that the child attends the interview at the DRIVE site. Moreover, the PoR cardholder’s application to register the child ‘must be supported by documentation confirming that child’s identity and the relationship with the parents’. This means that one of the following documents must be presented at the site: a certificate or notification of birth, a health record from a hospital or basic health unit (BHU), a vaccination card issued by the WHO or a medical prescription for the child.<sup>334</sup>

#### Modification and replacement

In November 2008, UNHCR initially opened four PoR card modification centres (PCM) in Pakistan. The purpose of these centres, run by the NADRA, the CARs and UNHCR, was to deal with issues relating to PoR cards of registered Afghans who had received their cards during the registration exercise of 2006/2007, and their children.<sup>335</sup> As of September 2020, there were four PCM centres in the country, located in Peshawar, Quetta, Karachi, and Rawalpindi.

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<sup>329</sup> UNHCR, email, 15 March 2022

<sup>330</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>331</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 1

<sup>332</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>333</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>334</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>335</sup> UNHCR, Afghans now able to update, modify identification in Pakistan, 10 November 2008, [url](#)



Moreover, UNHCR has been deploying three mobile registration vans for those who live in remoter areas of Khyber Pakhtunkhwa, Balochistan and in Punjab provinces and are unable to visit PCM centres.<sup>336</sup>

The PCM centres' tasks include the modification of previously issued PoR cards, the registration of under-five-year-old children of PoR holders, and the issuance of new PoR cards to registered children who have reached the age of five and are thus eligible to obtain their own cards.<sup>337</sup>

Modifications may involve: 1) correcting data recorded on existing PoR cards, e.g. regarding the names of cardholders and their immediate family members as well as age, gender, marital status, address and photo; 2) adding new information such as on a newly born child, and 3) removing children who have reached the age of five from their parents' PoR card.<sup>338</sup>

As UNHCR informed in an article from 2008, persons wishing to have their PoR cards modified must present valid documents for reference purposes, such as birth or marriage certificates, passports, school certificates, a Basic Health Unit (BHU) card/vaccination card or refugee camp card.<sup>339</sup> UNHCR stated that modified PoR cards 'should be available for collection at the PCM centre within two weeks of the application.'<sup>340</sup>

Regarding the collection of modified PoR cards, UNHCR announced a new policy in December 2019 requiring PoR cardholders to be given 13 months (starting from the day on which the card is received at the PCM centre) to collect their modified cards from the centre. Failing to collect their card within this period would result in withdrawal of the PoR card and deregistration of the PoR cardholder from the NADRA database, i.e. cancellation of their 'refugee status'.<sup>341</sup>

The PCM centres are also tasked with the replacement of lost, stolen, damaged or faded PoR cards. In case of loss or theft, the applicant needs to present a First Information Report (FIR) issued by the police or a MoRR attestation (containing their name and PoR card number) at the PCM centre in order to receive a new PoR card. Individuals who have lost the card are obliged to make the application in person. The FIR from the police needs to contain information on the applicant's name, their father's name, the province and district where they reside in Pakistan, the province and district of origin in Afghanistan, the PoR card number, the address and phone number of the police station and the name of the official who issued the document.<sup>342</sup>

<sup>336</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September, 2020), 29 October 2020, [url](#), pp. 1-2

<sup>337</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September, 2020), 29 October 2020, [url](#), p. 1

<sup>338</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 2; see also UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September, 2020), 29 October 2020, [url](#), p. 2

<sup>339</sup> UNHCR, Afghans now able to update, modify identification in Pakistan, 10 November 2008, [url](#). More recent information could not be found on this matter.

<sup>340</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 3

<sup>341</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September, 2020), 29 October 2020, [url](#), p. 2

<sup>342</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 2



Duplicate PoR cards 'should be available for collection at the PCM centre within two weeks of the application', according to UNHCR.<sup>343</sup>

### (c) Validity of the PoR cards

Initially, the Government of Pakistan issued PoR cards to Afghan refugees for periods of two years or longer. Thus, the PoR cards issued to Afghans as part of the 2006/2007 registration exercise had a validity until December 2009.<sup>344</sup> In March 2010, the expiry date of the cards was prolonged until 31 December 2012<sup>345</sup> and a further PoR card verification exercise was conducted during 2010<sup>346</sup>. In December 2012, the Government, in view of the worsening situation in Afghanistan, extended the cards until 30 June 2013.<sup>347</sup> Following the issuance of these cards, 'Afghans holding PoR cards that expired on 31 December 2012 or before [were] no longer considered as persons of concern to the Government of Pakistan and UNHCR'.<sup>348</sup>

In 2013, the Government of Pakistan announced that the validity of the PoR cards would be extended until the end of December 2015<sup>349</sup> and a PoR card renewal exercise was conducted in 2014<sup>350</sup>. During this PoR card exercise, renewed PoR cards were issued with a validity date of 31 December 2015.<sup>351</sup>

On 16 December 2014, militants affiliated with Tehrik-e Taliban Pakistan attacked the Army Public School in Peshawar, killing 141 people, the majority of whom were children.<sup>352</sup> Pakistani officials held that the attack had been masterminded by militants based in Nuristan or Kunar province in Afghanistan and that Afghan nationals had been among the perpetrators. An ensuing rise in hostility towards Afghans impacted Pakistan's extension policy of the PoR cards extensions after December 2015<sup>353</sup>, when the PoR cards officially expired.<sup>354</sup> Thereafter, extensions were granted 'irregularly by written government notifications for one to twelve months, often with delays'.<sup>355</sup> Thus, in January 2016, Pakistan extended the validity of the PoR

<sup>343</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 3

<sup>344</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#); see also Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, archived page from 17 February 2019, [url](#)

<sup>345</sup> UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 25 March 2010, [url](#)

<sup>346</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>347</sup> Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, archived page from 17 February 2019, [url](#); see also UNOCHA, Humanitarian Bulletin Pakistan, 1 – 31 January 2013, 31 January 2013, [url](#), p. 3

<sup>348</sup> Pakistan, CAR Khyber Pakhtunkhwa, Peshawar, Proof of Registration Card Modification (PCM) Centres, n.d., [url](#)

<sup>349</sup> UNHCR, 2013 Global Report – Pakistan, n.d., [url](#), p. 1

<sup>350</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>351</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2; see also UNHCR, UNHCR urges Afghan refugees to renew their PoR cards to retain refugee status, 1 October 2014, [url](#)

<sup>352</sup> BBC News, Pakistan Taliban: Peshawar school attack leaves 141 dead, 16 December 2014, [url](#); Guardian (The), Pakistan responds to Peshawar school massacre with strikes on Taliban, 16 December 2014, [url](#)

<sup>353</sup> AAN, Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, [url](#)

<sup>354</sup> UNHCR and Government of Pakistan, Document Renewal & Information Verification Exercise (DRIVE) of Registered Afghan Refugees in Pakistan, 9 February 2021, [url](#), p. 2

<sup>355</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 10



cards for only six months until 30 June 2016,<sup>356</sup> followed by the announcement of another six-month extension in June 2016 until 31 December 2016.<sup>357</sup> During the second half of 2016, over half a million Afghans returned from Pakistan, including some 370 000 who were registered. Many were compelled to return to Afghanistan on short notice after receiving 48-hour and/or a week's notice to leave Pakistan.<sup>358</sup>

While PoR cards were extended until 31 March 2017<sup>359</sup> and later 31 December 2017<sup>360</sup>, at the beginning of 2018 the Government of Pakistan decided to grant only a short-term extension until 31 January 2018 and announced that the cards would not be extended past that date. In the light of fears expressed by the Afghan government of an impending national emergency arising from further likely mass returns and following efforts by international organisations to facilitate an agreement between the Afghan and Pakistani governments,<sup>361</sup> Pakistan granted short PoR card extensions for periods ranging from two to three months until the end of September 2018.<sup>362</sup> This was followed by a decision to extend PoR cards until end of June 2019<sup>363</sup> and another in late June 2019 to extend the validity until the end of June 2020.<sup>364</sup>

As UNHCR noted, the cards expired on 30 June 2020.<sup>365</sup> The same source explained in mid-March 2022 that 'there has been no formal validity extension of the PoR cards bearing the expiry date 31 December 2015 beyond 30 June 2020', although it noted that the Government of Pakistan issued a notification to banks establishing that the 2015 cards should continue to be recognised to enable access to financial services during the implementation of the DRIVE exercise.<sup>366</sup> The Human Rights Commission of Pakistan (HRCP) more generally reported that the stay of registered Afghan refugees was further extended to June 2021.<sup>367</sup>

Referring to the years between the issuance of PoR cards with an expiry date of 31 December 2015 and the issuance of the new PoR smartcards during the 2021 DRIVE exercise, Mudassar M. Javed, the chief executive officer of the Pakistani Society for Human Rights & Prisoners Aid (SHARP), noted, in a February 2022 interview, that 31 December 2015 was the expiry date visible on the PoR cards. The above-mentioned extensions were granted by the Government through 'a notification containing information on short term extensions of the expiry date'.<sup>368</sup>

<sup>356</sup> Human Rights Watch, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, [url](#)

<sup>357</sup> Dawn, Afghan refugees get another stay extension, 10 September 2016, [url](#)

<sup>358</sup> AAN, Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, [url](#)

<sup>359</sup> Dawn, Afghan refugees get another stay extension, 10 September 2016, [url](#)

<sup>360</sup> SHARP, E-Newsletter Jan-Mar 2017, Issue no. 05, March 2017, [url](#), p. 4

<sup>361</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>362</sup> Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, archived page from 1 February 2018, [url](#); UNHCR, UNHCR supports Pakistan, Afghanistan to secure sustainable solutions for Afghan refugees, 19 March 2018, [url](#); UNHCR, Pakistan: Afghan Refugees Registration Update (as of 30 June 2018), 18 July 2018, [url](#), p. 1

<sup>363</sup> UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 5 October 2018, [url](#)

<sup>364</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September 2019), 30 September 2019, [url](#), p. 1

<sup>365</sup> UNHCR, Afghan Refugees Registration Update (1 January – 31 August, 2020), 3 October 2020, [url](#), p. 1

<sup>366</sup> UNHCR, email, 15 March 2022

<sup>367</sup> HRCP, State of Human Rights in 2020, 2021, [url](#), p. 72

<sup>368</sup> Javed, M.M., email, 2 March 2022



Zia Ur Rehman, a Pakistani journalist and researcher, observed that following the expiration of each notification, the government has taken weeks to issue a notification of extension. Police have normally used this as an opportunity to exact money from refugees whose PoR cards have expired. Therefore, in some cases, SAFRON issued letters to interior ministry and provincial police chiefs not to harass refugees based on their expired PoR cards. In Karachi, refugee community leaders have obtained the letter and distributed it at all police stations of areas with significant Afghan refugee populations.<sup>369</sup>

The PoR smartcards issued as part of the 2021 DRIVE exercise have an expiry date of 30 June 2023.<sup>370</sup> Figure 7 provides an overview of the different validity periods of the PoR cards since its first issuance in 2006-07. As UNHCR stated ahead of the 2021 DRIVE exercise, PoR cards with an expiry date of 31 December 2015 would no longer be valid once the exercise has ended. Thus, Afghans whose PoR cards have not been renewed during this exercise ‘may no longer have access to services such as health and education’ and be restricted in their freedom of movement in the country. Moreover, they would no longer be able to obtain a new PoR card.<sup>371</sup> As Ayesha Qaisrani, a research officer at the International Centre for Migration Policy Development (ICMPD), wrote in a December 2021 report, varying validity periods, short expiry dates and delays in card extension have contributed to ambiguity among Afghans, compelling even PoR cardholders to ‘live through an obscure legal framework with limited security of stay and livelihoods’.<sup>372</sup>

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<sup>369</sup> Rehman, Z.U., Comment made during the review of this report, 28 March 2022; see also News International (The), With no decision on Afghan refugees, only a letter stands between them and jail, 5 January 2016, [url](#)

<sup>370</sup> UNHCR, Pakistan concludes ‘drive’ to issue smartcards to registered Afghan refugees, 4 January 2022, [url](#)

<sup>371</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>372</sup> Qaisrani, A., Bridging the Gaps - Migration Management and Policy Options for Afghan Refugees in Pakistan, FES, December 2021, [url](#), p. 26

Overview of extensions of the validity of PoR cards	
PoR cards originally issued in 2006–2007	PoR cards valid until December 2009 <sup>373</sup>
March 2010	PoR cards valid until 31 December 2012 <sup>374</sup>
December 2012	Six-months extension given until 31 June 2013 <sup>375</sup>
July 2013	PoR cards extended until 31 December 2015 <sup>376</sup>
January 2016	Six-month extension until 30 June 2016 <sup>377</sup>
June 2016	Six-month extension until 31 December 2016 <sup>378</sup>
September 2016	Three-month extension until 31 March 2017 <sup>379</sup>
February 2017	Nine-month extension 31 December 2017 <sup>380</sup>
3 January 2018	One-month extension until 31 January 2018 <sup>381</sup>
31 January 2018	Two-month extension until March 2018 <sup>382</sup>
March 2018	Three-month extension until 30 June 2018 <sup>383</sup>
30 June 2018	Three-month extension until September 2018 <sup>384</sup>
October 2018	PoR cards extended until 30 June 2019 <sup>385</sup>
27 June 2019	PoR cards extended until 30 June 2020 <sup>386</sup>
2021 (DRIVE exercise)	PoR smartcards valid until 30 June 2023 <sup>387</sup>

Figure 7: Table overview of the extension of the validity of PoR cards

<sup>373</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#); see also Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, archived page from 17 February 2019, [url](#)

<sup>374</sup> UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 25 March 2010, [url](#)

<sup>375</sup> Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, archived page from 17 February 2019, [url](#); see also UNOCHA, Humanitarian Bulletin Pakistan, 1 – 31 January 2013, 31 January 2013, [url](#), p. 3

<sup>376</sup> UNHCR, 2013 Global Report – Pakistan, n.d., [url](#), p. 1

<sup>377</sup> Human Rights Watch, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, [url](#)

<sup>378</sup> Dawn, Afghan refugees get another stay extension, 10 September 2016, [url](#)

<sup>379</sup> Dawn, Afghan refugees get another stay extension, 10 September 2016, [url](#)

<sup>380</sup> SHARP, E-Newsletter Jan-Mar 2017, Issue no. 05, March 2017, [url](#), p. 4

<sup>381</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>382</sup> Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, archived page from 1 February 2018, [url](#)

<sup>383</sup> UNHCR, UNHCR supports Pakistan, Afghanistan to secure sustainable solutions for Afghan refugees, 19 March 2018, [url](#)

<sup>384</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (as of 30 June 2018), 18 July 2018, [url](#)

<sup>385</sup> UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 5 October 2018, [url](#)

<sup>386</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September 2019), 30 September 2019, [url](#), p. 1

<sup>387</sup> UNHCR, Pakistan concludes 'drive' to issue smartcards to registered Afghan refugees, 4 January 2022, [url](#)



## 2.2. Unregistered Afghans

### 2.2.1. Undocumented Afghans

This section covers Afghan citizens who are neither PoR cardholders, ACC holders and nor are they in possession of Pakistani visas. This does not mean that such ‘undocumented’ persons may not hold other documents such as a *tazkera* (Afghan national ID document) or Afghan passport.

Two UNHCR publications from January 2022 estimated the number of undocumented Afghans (i.e. those who are neither registered refugees nor ACC cardholders) at around 500 000<sup>388</sup> or even 775 000<sup>389</sup>. As UNOCHA noted, precise numbers and locations of undocumented Afghans are difficult to determine since these persons are ‘often mobile and integrated within other populations’.<sup>390</sup> For more information on figures on undocumented Afghans, see section [1.2.2 Figures and place of residence](#).

Undocumented Afghans may approach UNHCR for a Refugee Status Determination (RSD) procedure and be registered as asylum-seekers and issued an asylum-seeker certificate which grants them protection from refoulement<sup>391</sup> on a temporary basis, ‘although this is not always understood or respected by security forces’.<sup>392</sup> RSD was conducted by UNHCR on a wider scale until 2015 and at the time ‘constituted a viable tool for undocumented Afghans to receive asylum-seeker and de facto refugee status’. However, after a policy change in 2016–17, the RSD pathway narrowed for undocumented Afghans. According to a UNHCR source, 3 011 Afghans were registered as asylum-seekers as of October 2020.<sup>393</sup>

UNHCR has been continuing to issue unspecified numbers of asylum-seeker certificates to newly arrived Afghans as of November 2021. It has been noted that the Government of Pakistan ‘has issued few official statements about what will happen to the Afghans who arrived amid the crisis’ following the Taliban takeover and that UNHCR was still negotiating with the Government of Pakistan about the rights of asylum-seekers.<sup>394</sup>

Undocumented Afghans (including those holding an Afghan passport or the *tazkera*) who do not have Government of Pakistan- or UNHCR-issued documents are ‘in breach of the Foreigners Act, 1946 and are liable to arrest, detention and deportation’.<sup>395</sup> For more information on the Foreigners Act, 1946 and its implications, please see section [1.3.1 Laws and policies](#). According to a representative of Pakistan’s NGO Human Rights Alliance (HRA) cited in the August 2021 paper by Mielke and others, ‘undocumented refugees are often kept in

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<sup>388</sup> UNHCR, Pakistan Country Factsheet (January 2022), 14 January 2022, [url](#), p. 2

<sup>389</sup> UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 27

<sup>390</sup> UNOCHA, Humanitarian Response Plan – Pakistan, 11 May 2021, [url](#), p. 15

<sup>391</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 9

<sup>392</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>393</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 9

<sup>394</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>395</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21



prison for months and years'. However, if a caught undocumented Afghan has a family member holding a PoR card or ACC, this can help the person's case, or 'the life of an undocumented person in general'. Moreover, Afghans who were able to obtain a Pakistani National Identity Card (CNIC) in the past sometimes still benefit from it after it has expired.<sup>396</sup>

UNHCR reported that, as part of the 2021 DRIVE exercise, as of 31 December 2021 a total of 131 186 undocumented immediate family members of registered Afghan refugees had their data recorded. The data was gathered in order to 'highlight family links with registered Afghan refugees in Pakistan'.<sup>397</sup> Unregistered immediate family members—defined as biological parents, spouse or biological children of PoR cardholders—could be issued a 'family information certificate' but were not eligible for registration and issuance of new PoR smartcards.<sup>398</sup>

In summer 2021, Dawn reported that the Government of Pakistan had announced the intention to register 'all foreigners' in the country regardless of their status. According to this plan, foreigners living in the country would be issued a so-called 'alien card' that would 'allow them to open bank accounts, start businesses, obtain SIM cards and facilitate their travel'.<sup>399</sup> As UNHCR explained, this announcement relates to the 'National Database and Registration Authority (Alien Registration Card) Rules, 2021', approved by the Federal Cabinet in February 2021. The rules provide that foreigners intending to stay in Pakistan for a certain minimum period must register as 'Aliens'. The cards would have a validity of five years and would be extendable. The new rules however do not apply to the Afghan nationals'.<sup>400</sup>

## 2.2.2. ACC holders

Afghan Citizen Cards (ACC) have been issued to Afghan citizens who did not hold PoR cards regardless of when they had arrived in Pakistan.<sup>401</sup> A January 2022 UNHCR estimate indicated the number of Afghan Citizen Card (ACC) holders at around 840 000.<sup>402</sup> For more information on figures of ACC holders and their places of residence, see [1.2.2 Figures and place of residence](#).

The ACC dissemination exercise, conducted by NADRA under the coordination of SAFRON and MORR<sup>403</sup> and supported by UNHCR and IOM,<sup>404</sup> was rolled out from 16 August 2017 until February 2018<sup>405</sup> at 21 centres set up by NADRA across Pakistan<sup>406</sup>. During this period, 'any self-declared Afghan could apply for an ACC' (except for PoR card holders and single males

<sup>396</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 13-14

<sup>397</sup> UNHCR, Pakistan: Verification Exercise Update (December 2021), 10 January 2022, [url](#), p. 2

<sup>398</sup> UNHCR, Documentation Renewal and Information Verification Exercise, n.d., [url](#)

<sup>399</sup> Dawn, Interior ministry to register all foreigners in country: Sheikh Rashid, 8 July 2021, [url](#); see also Express Tribune (The), All foreign nationals will be registered: Sheikh Rashid, 8 July 2021, [url](#)

<sup>400</sup> UNHCR, email, 15 March 2022

<sup>401</sup> Mielke, K., email, 10 March 2022

<sup>402</sup> UNHCR, Pakistan Country Factsheet (January 2022), 14 January 2022, [url](#), p. 2

<sup>403</sup> IOM, Undocumented Afghans, n.d., [url](#)

<sup>404</sup> UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, [url](#)

<sup>405</sup> Pakistan, CAR Punjab, Afghan Citizen Card, n.d., [url](#)

<sup>406</sup> IOM Pakistan, UN Migration Agency Supports Pakistan's Registration of Undocumented Afghans, 19 September 2017, [url](#)



under 18)<sup>407</sup> by showing any document proving their identity<sup>408</sup>. A significant portion of the country's Afghan population was thus issued an ACC.<sup>409</sup>

As the campaign was based on a Memorandum of Understanding (MoU) between the Afghan and Pakistani governments, ACC holders fall within the exclusive mandate of the Government of Pakistan,<sup>410</sup> and not the mandate of UNHCR.<sup>411</sup> The ACCs were issued as part of a 'Comprehensive Policy on the Voluntary Repatriation and Management of Afghan Nationals' which was adopted by the Government of Pakistan in February 2017.<sup>412</sup> One of the declared objectives of this policy was the documentation of Afghans who were lacking registration.<sup>413</sup> According to a Chatham House report, this policy ultimately aimed to establish a connection between ACC holders and the Afghan authorities and to encourage their return.<sup>414</sup> Thus, as noted by AAN, the cards provided undocumented Afghans legal protection from deportation, arbitrary arrest or detention or under the Foreigners Act of 1946, allowing Afghans to stay in Pakistan temporarily until they would be able to obtain documents such as Afghan passports.<sup>415</sup>

As Mielke and others elaborate, the idea was to have Afghan citizens apply for Pakistani visas (e.g. business, student, skilled/unskilled worker or family visas) upon recommendation or with a support letter from a Pakistani citizen or institution, based on an assurance given by the Government of Afghanistan that Afghans living in Pakistan would be issued Afghan passports by 31 March 2017 as a precondition allowing them to apply for Pakistani visas.<sup>416</sup> While the status of ACCs has been characterised as unclear,<sup>417</sup> Mielke and others believe that the benefits offered to ACC holders are limited to 'protection from refoulement for the period of its validity'. The cards were initially issued with a validity of six months, the period deemed necessary for ACC holders to first obtain an Afghan passport and then a visa from the Pakistani authorities.<sup>418</sup>

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<sup>407</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>408</sup> TNN, Citizen Card scheme launched for illegal Afghan refugees, 18 July 2017, [url](#)

<sup>409</sup> Amprado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>410</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 11

<sup>411</sup> Heinrich Böll Foundation, Afghan Musicians, 9 December 2021, [url](#)

<sup>412</sup> UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, [url](#); see also Amprado, D. et al., With US Withdrawal, Rights of Afghan Refugees in Pakistan Hang in the Balance, CGD [Blog], 25 August 2021, [url](#)

<sup>413</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 11

<sup>414</sup> Quie, M. and Hakimi, H., The EU and the politics of migration management in Afghanistan, Chatham House, November 2020, [url](#), p. 22

<sup>415</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>416</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 11

<sup>417</sup> Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>418</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 11



Later, the expiry date of ACCs (and thus the period to obtain passports and make visas applications) was prolonged several times: first until 30 April 2019, then to 31 October 2019 and finally until 30 June 2020. Since then, ACC extension is ‘pending a Cabinet decision’.<sup>419</sup>

As Mudassar M. Javed of SHARP informed in a February 2022 interview, ‘June 2020 was the last validity date for ACC cards’ and since then, there has not been any extension notification.<sup>420</sup>

As Qaisrani wrote in her December 2021 report, validity periods of varying length and delays in card extension have contributed to ambiguity among Afghans, compelling them to ‘live through an obscure legal framework with limited security of stay’.<sup>421</sup> At the same time, Javed noted in February 2022 that ‘ACC card holders most of the time don’t have any issues’ and that ‘there is no particular harassment against these people’.<sup>422</sup>

## 2.3. Return to Afghanistan

### 2.3.1. General Background

Return movements of Afghans from Pakistan have been closely linked to the evolution of Pakistan’s policy concerning Afghan refugees,<sup>423</sup> which – after 2001 – has been shaped by internal security dynamics and by the relationship between Pakistan and Afghanistan. It became manifest in changes in PoR card extension policy and the treatment of Afghans by the authorities. Moreover, efforts of the Afghan authorities to encourage return played a role in Afghans’ decision to return, while insecurity in Afghanistan and policies of the Government of Pakistan aiming at temporarily protecting Afghans (notably through the ACC issuance campaign), have coincided with falling numbers of returns to Afghanistan.<sup>424</sup>

Between 2002 and 2021, nearly 4.4 million Afghan refugees returned under the UNHCR-facilitated voluntary repatriation programme.<sup>425</sup> In the initial years following the overthrow of the Taliban regime in 2001, the Government of Afghanistan (GoA), UNHCR and international donors campaigned for Afghans to return—and the situation appeared favorable for people to restart their lives in their homeland. Thus, in 2002, more than 1.6 million persons returned.<sup>426</sup>

<sup>419</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 11; see also SHARP, Notification: Extension of ACC Cards, n.d., [url](#)

<sup>420</sup> Javed, M.M., email, 2 March 2022

<sup>421</sup> Qaisrani, A., Bridging the Gaps - Migration Management and Policy Options for Afghan Refugees in Pakistan, FES, December 2021, [url](#), p. 26

<sup>422</sup> Javed, M.M., email, 2 March 2022

<sup>423</sup> BBC News, The reverse exodus of Pakistan's Afghan refugees, 28 August 2016, [url](#)

<sup>424</sup> AAN, Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, [url](#); AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>425</sup> UNHCR, Operational Data Portal: Pakistan (Islamic Republic of), Afghan Refugees Facilitated for Voluntary Repatriation (2002–2021), last updated 31 December 2021, [url](#)

<sup>426</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)



In March 2003, UNHCR signed a Tripartite Agreement Governing the Repatriation of Afghan Citizens Living in Pakistan (the Tripartite Agreement) with the GoA and Government of Pakistan planning to establish a legal and operational framework for voluntary returns of Afghan refugees.<sup>427</sup> Moreover, a regional quadripartite framework called the Solution Strategy for Afghan Refugees (SSAR) was devised in 2012–13 between the governments of Pakistan, Afghanistan, Iran and the UNHCR. The primary objective of this framework was to guide the return and reintegration of Afghans towards a durable solution.<sup>428</sup>

During the period from 2003 to 2015, annual returns of Afghans ranged between 50 000 and 400 000.<sup>429</sup> Hostility of the authorities towards Afghans dramatically increased in the aftermath of the December 2014 Army Public School in Peshawar<sup>430</sup> and the Government of Pakistan changed its policy of PoR cards extensions.<sup>431</sup> At the same time, in July 2016, the Afghan government announced the *Khpal Watan, Gul Watan*<sup>432</sup> campaign that was set up to encourage Afghans to return home.<sup>433</sup> Due to factors like these, more than 600 000 Afghans returned over the summer of 2016. Many of them, including long-term residents in Pakistan and younger Afghans who had never lived in Afghanistan, were ‘forced to return at short notice, after receiving 48-hour and/or a week’s notice to leave the country’.<sup>434</sup> The number of returns then dropped to a total of around 57 000 in 2017, the year of the roll-out of the ACC exercise for undocumented Afghans,<sup>435</sup> and further to around 46 000 in 2018.<sup>436</sup> The year 2019 saw only 6 220 voluntary repatriations of (registered) Afghan refugees<sup>437</sup> and 17 300 returns of undocumented Afghans.<sup>438</sup> UNHCR cited the worsening security situation, uncertainty as to the outcomes of the political transitions and peace negotiations at the time, and ‘limited absorption capacity in Afghanistan’ as reasons for the low rate of voluntary repatriations of Afghan refugees.<sup>439</sup>

For further details regarding numbers of voluntary repatriations of registered Afghan refugees and returns of undocumented Afghans between 2002 and March 2020, please refer to

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<sup>427</sup> HRW, Pakistan coercion, UN complicity - The Mass Forced Return of Afghan Refugees, 13 February 2017, [url](#), p. 37

<sup>428</sup> Qaisrani, A., Bridging the Gaps - Migration Management and Policy Options for Afghan Refugees in Pakistan, FES, December 2021, [url](#), p. 8

<sup>429</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>430</sup> Human Rights Watch, ‘What Are You Doing Here?’: Police Abuses Against Afghans in Pakistan, 18 November 2015, [url](#)

<sup>431</sup> AAN, Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, [url](#)

<sup>432</sup> Translation: One’s own country is like flower; Associated Press of Pakistan, Hosting Afghan Refugees a goodwill gesture of Pakistan towards Afghanistan, 11 December 2016, [url](#)

<sup>433</sup> Dawn, Kabul launches campaign to bring refugees back, 17 July 2016, [url](#)

<sup>434</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>435</sup> AAN, Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, [url](#)

<sup>436</sup> IOM and UNHCR, Returns to Afghanistan 2018, May 2019, [url](#), p. 4

<sup>437</sup> UNHCR, Voluntary Repatriation of Afghan Refugees: South West Asia - Quarterly Update (October–December 2019), 17 February 2020, [url](#), p. 1

<sup>438</sup> IOM, Pakistan: Flow Monitoring of undocumented Afghan migrants – Summary Report 2020, 2021, [url](#), p. 1

<sup>439</sup> UNHCR, Global Focus: Operation: Pakistan(2019 Year-End report), 7 July 2020, [url](#), p. 4



sections 2.3.2 and 2.3.3 of the former [EASO's report on the situation of Afghan refugees in Pakistan](#).

### 2.3.2. Return of registered Afghan refugees

For detailed information on the legal status of Afghans in Pakistan and laws and policies, see section [1.2.1 Legal status](#) and section 1.3 Laws and policies in Pakistan towards Afghan refugees.

Registered Afghan refugees (with a valid PoR card) have been eligible for voluntary repatriation with the assistance of UNHCR, while Afghans without a PoR card or a PoR card with an expired validity date are not entitled to any return assistance from UNHCR.<sup>440</sup>

As UNOCHA noted in May 2021, voluntary repatriations of Afghan refugees were 'contingent in large part on stability and security' in Afghanistan.<sup>441</sup>

Afghan refugees who are willing to return are processed at two UNHCR Voluntary Repatriation Centres (VRCs), located in Baleli in Quetta (Balochistan province) and Azakhel in Peshawar (Khyber Pakhtunkhwa province).<sup>442</sup> At these centres, which UNHCR confirmed were operating as of mid-March 2022, 'families who wish to repatriate are deregistered in the database' and 'their cards are cut at the right top corner and returned to the individuals'.<sup>443</sup>

The VRCs issue Voluntary Repatriation Forms (VRF),<sup>444</sup> a document that confirms the intent to return to Afghanistan on a voluntary basis with UNHCR assistance and facilitates 'their safe travel and provision of assistance in Afghanistan'. To obtain a VRF, the returnees must sign a declaration of their decision to return voluntarily and confirm the details of their family. Upon arrival in Afghanistan, they must approach a UNHCR Encashment Centre (EC) 'within seven days of having been issued a VRF in Pakistan' to receive their cash assistance.<sup>445</sup>

According to Khalid Khan Kheshgi, a senior staff reporter with The News International and a senior correspondent with Mashaal Radio/Radio Free Europe in Peshawar, the process of voluntary returns of Afghan refugees slowed down due to the COVID-19 pandemic and the crisis in Afghanistan.<sup>446</sup> Thus, during the year 2020, the number of UNHCR-facilitated voluntary repatriations of Afghan refugees from Pakistan declined to 1 092 (from 6 220 in 2019<sup>447</sup>). As UNHCR specifies, this decline was mainly due to a temporary suspension of voluntary repatriations linked to COVID-19 (from 4 March until their resumption on 10 August 2020), a deteriorating security and economic environment across Afghanistan and improved

<sup>440</sup> UNHCR, Frequently Asked Questions Voluntary Repatriation of Afghan Refugees from Pakistan, 2015, 2016, [url](#), p. 1; see also UNHCR, Afghanistan Voluntary Repatriation Update (January–December 2021), 21 February 2022, [url](#), p. 1

<sup>441</sup> UNOCHA, Humanitarian Response Plan – Pakistan, 11 May 2021, [url](#), p. 71

<sup>442</sup> UNHCR, Afghanistan Voluntary Repatriation Update (January–December 2021), 21 February 2022, [url](#), p. 3

<sup>443</sup> UNHCR, email, 15 March 2022

<sup>444</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January–December 2021), 21 February 2022, [url](#), p. 3

<sup>445</sup> UNHCR, Frequently Asked Questions, Voluntary Repatriation of Afghan Refugees from Pakistan, 2015, 2016, [url](#), p. 3

<sup>446</sup> Khan Kheshgi, K., email, 2 March 2022

<sup>447</sup> UNHCR, Voluntary Repatriation of Afghan Refugees: South West Asia - Quarterly Update (October–December 2019), 17 February 2020, [url](#), p. 1





protection conditions in Pakistan. As of 1 July 2020, UNHCR raised the cash grant for voluntary repatriation from USD 200 per person to USD 250 per person.<sup>448</sup> According to the findings of interviews UNHCR conducted in 2020 with 183 refugee returnees who had newly arrived in Afghanistan, the two primary reasons for leaving Pakistan were lack of employment opportunities and high cost of living.<sup>449</sup>

During 2021, the number of voluntary repatriations of Afghan refugees further dropped to a mere 437. According to UNHCR, this decrease could also be linked to political developments in Afghanistan and the consequences of the COVID-19 pandemic. The source adds that the period between 15 August and end of December 2021 saw a further decline in the number of voluntary returns (only 32 Afghan refugees returned, compared to 1 076 during the same period in 2020), although widespread fighting ended after the Taliban takeover in mid-August 2021. As UNHCR suggests, several factors could be responsible for this phenomenon, including the overall political context, the difficult economic situation in Afghanistan, the temporary closure of border crossing points due to COVID-19 and the Taliban takeover. Also, as of the end of 2021, voluntary repatriations via the Torkham crossing point remained suspended on the Pakistani side since November 2020 ‘as a result of restrictive customs formalities imposed by the Pakistani authorities’. Therefore, repatriation movements from Pakistan took place through Spin Boldak/Chaman crossing point and by air.<sup>450</sup>

### 2.3.3. Return of undocumented Afghans

In 2020, the number of returns of undocumented Afghans decreased to 6 661, a significant decline from the 17 286 returns recorded in 2019.<sup>451</sup> According to IOM, 80 % of these returnees were not in possession of any form of legal documentation. The remaining 20 % comprised Afghan returnees who were holding some type of documentation such as a *tazkera*, an ACC or an expired PoR card. Of these returnees, *tazkera* holders constituted the largest group (15 %), followed by ACC holders (4 %), while only 1 % of returnees with documentation in 2020 had an expired PoR card.<sup>452</sup>

In 2021, IOM counted a total of 28 929 returns of undocumented Afghans.<sup>453</sup> More than half of these returns (16 398, or approx. 57 %) were recorded between October and December 2021.<sup>454</sup> The overwhelming majority of undocumented Afghans who returned in 2021 (24 078

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<sup>448</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January–December 2020), 24 January 2021, [url](#), pp. 1-2

<sup>449</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January–December 2020), 24 January 2021, [url](#), pp. 5–6

<sup>450</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January–December 2021), 21 February 2022, [url](#), p. 1

<sup>451</sup> IOM, Pakistan: Flow Monitoring of undocumented Afghan migrants – Summary Report 2020, 2021, [url](#), p. 1

<sup>452</sup> IOM, Pakistan: Flow Monitoring of undocumented Afghan migrants – Summary Report 2020, 2021, [url](#), p. 6

<sup>453</sup> IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (January–March 2021), 30 April 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (April–June 2021), 29 July 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (July–September 2021), 17 November 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (October–December 2021), 4 February 2022, [url](#), p. 1

<sup>454</sup> IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (October–December 2021), 4 February 2022, [url](#), p. 1





persons, or approx. 83 %) travelled through the Chaman border point, while the remaining 4 851 persons (approx. 17 %) returned through the Torkham border point.<sup>455</sup>

Between 1 January and 11 February 2022, IOM recorded a total of 7 781 returns of undocumented Afghans, of whom the vast majority (7 062 persons, or approx. 91 %) returned through the Chaman border point, while the remaining 719 returnees (approx. 9 %) reached Afghanistan through the Torkham border point.<sup>456</sup>

According to data collected by IOM, throughout the year 2021 and the period from 1 January to 11 February 2022 the main push factors that prompted undocumented Afghans to leave Pakistan were inability to pay for rent and utilities, followed by unemployment, while fear of arrest or deportation played a relatively minor role. On the other hand, the main pull factors identified by IOM were the prospect of reuniting with family members and the availability of assistance.<sup>457</sup>

### 2.3.4. Cross-border movement

Sources describe the border between Pakistan and Afghanistan as porous<sup>458</sup> and frequently crossed on a daily basis for a variety of reasons.<sup>459</sup> Since 2001, Pakistan and Afghanistan have faced internal security threats, largely due to the unrestricted movement of militants across the Pakistan-Afghanistan border.<sup>460</sup> Pakistan has taken measures to improve its control over the border such as fencing the border, closing the border or tightening rules at the border

<sup>455</sup> IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (January–March 2021), 30 April 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (April–June 2021), 29 July 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (July–September 2021), 17 November 2021, [url](#), p. 1; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (October–December 2021), 4 February 2022, [url](#), p. 1

<sup>456</sup> IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (1 to 14 January 2022), 21 January 2022, [url](#), p. 1; IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (15 to 28 January 2022), 2 February 2022, [url](#), p. 1; IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (29 January to 11 February 2022), 18 February 2022, [url](#), p. 1

<sup>457</sup> IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (January–March 2021), 30 April 2021, [url](#), p. 2; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (April–June 2021), 29 July 2021, [url](#), p. 2; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (July–September 2021), 17 November 2021, [url](#), p. 2; IOM, Quarterly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (October–December 2021), 4 February 2022, [url](#), p. 2; IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (1 to 14 January 2022), 21 January 2022, [url](#), p. 1; IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (15 to 28 January 2022), 2 February 2022, [url](#), p. 1; IOM, Bi-Weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (29 January to 11 February 2022), 18 February 2022, [url](#), p. 1

<sup>458</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21; see also Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, [url](#), pp. 5-6; AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>459</sup> Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, [url](#), pp. 5-6; AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#); see also Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>460</sup> Khan, A., Pak-Afghan Border: A Case Study of Border Management, 10 October 2017, [url](#), p. 27



crossing for Afghans.<sup>461</sup> The fencing of the Durand Line, which started in 2017 and of which according to Pakistani officials more than 90 % is completed,<sup>462</sup> and the visa and passport requirements of the recent years for crossing the border have reportedly made both formal and informal border crossings much more difficult.<sup>463</sup>

For detailed historical information on border developments and further information on the Durand Line, please refer to section [1.1 History of Afghan migration to Pakistan](#) of this report.

At the Durand Line, two official international land border crossings are installed: Torkham and Spin Boldak (Chaman).<sup>464</sup> Firstly, the Khyber Pass linking north-eastern Pakistani province of Khyber Pakhtunkhwa and Torkham in the eastern Afghan province of Nangarhar. Secondly, the Chaman-Spin Boldak border crossing linking Chaman in southwestern Pakistani province of Balochistan with Spin Boldak in the southern Afghan province of Kandahar.<sup>465</sup> In a September 2016 Dawn article, six further bilateral border crossings are mentioned: Arandu (Chit-ral), Gursal (Bajaur), Nawa Pass (Mohmand), Kharlachi (Kurram), Ghulam Khan (North Waziristan), Angoor Adda (South Waziristan).<sup>466</sup> In January 2020, the Afghan Analysts Network (AAN) lists Ghulam Khan as a third official border crossing in addition to the Torkham and Spin Boldak-Chaman border crossings.<sup>467</sup> There are also 'scores of unfrequented routes along the 2 430 kilometres' Pakistan-Afghanistan border 'used mostly by smugglers'.<sup>468</sup> In addition to these border crossings, according to the Dawn article from September 2016, the Pakistani military announced that 18 proper border crossings with Afghanistan would be built to regulate cross-border movement.<sup>469</sup> In a January 2020 publication by AAN another 18 unofficial motorable crossings are mentioned and around 235 crossings that can only be crossed on foot or by animal.<sup>470</sup> In September 2020, the Badini trade terminal between Afghanistan's Zabul province and Qila Saifullah district in Balochistan was inaugurated providing the 'shortest route for vehicles from Karachi and Punjab to Afghanistan's Ghazni province and Kabul'.<sup>471</sup> On 1 June 2016, Al Jazeera reported that Pakistan imposed new border rules at the Torkham border crossing in an attempt to prevent militants crossing the border. The Pakistani government enacted stricter border control efforts at Torkham.<sup>472</sup> Incoming Afghans without a

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<sup>461</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#); see also BBC News, Afghanistan: Pakistan fences off from Afghan refugees, 19 August 2021, [url](#)

<sup>462</sup> VOA, Pakistan Vows to Continue Fencing Afghan Border, Downplays Taliban Disruptive Acts, 3 January 2022, [url](#); Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 17

<sup>463</sup> Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, [url](#), p. 3

<sup>464</sup> Caravanistan, Afghanistan border crossings, 13 February 2021, [url](#)

<sup>465</sup> Caravanistan, Afghanistan border crossings, 13 February 2021, [url](#); Dawn, Afghan border crossings throw up security concerns, 2 September 2016, [url](#)

<sup>466</sup> Dawn, Afghan border crossings throw up security concerns, 2 September 2016, [url](#)

<sup>467</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#); see also AAN, Jihadi Commuters: How the Taleban cross the Durand Line, 17 October 2017, [url](#)

<sup>468</sup> Dawn, Afghan border crossings throw up security concerns, 2 September 2016, [url](#)

<sup>469</sup> Dawn, Afghan border crossings throw up security concerns, 2 September 2016, [url](#)

<sup>470</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#); see also AAN, Jihadi Commuters: How the Taleban cross the Durand Line, 17 October 2017, [url](#)

<sup>471</sup> Arab News, Pakistan opens Badini terminal in Balochistan for trade with Afghanistan, 22 September 2020, [url](#)

<sup>472</sup> Al Jazeera, Torkham restrictions stir Pakistan-Afghanistan tension, 1 June 2016, [url](#)



valid passport, a visa or a *rahdari*<sup>473</sup> were no longer allowed to enter Pakistan at Torkham, and this rule was also implemented for members of local tribes who lived across the border in Pakistan.<sup>474</sup> For example, before 2016, Pashtun tribes living in the border regions did not need to apply for travel visa in order to enter Pakistan. This was due to the so-called easement rights (*rahdari* system<sup>475</sup>) they enjoyed. These easement rights were based on treaties signed between Kabul and Pashtun tribes on one side and the British Raj on the other side before the creation of Pakistan in 1947. Members of these Pashtun tribes only needed to show a piece of paper (*rahdari*) specifying these rights at the border in order to travel freely. The new visa requirements restricted this right to movement and endangered businesses and family ties.<sup>476</sup> Additionally, in September 2015, the so-called *rahdari* cards or *rahdari* passes were first issued by GoP to facilitate frequent cross border movement of mainly Shinwari tribesmen.<sup>477</sup> At the crossing at Spin Boldak (Chaman), legal documents were still not necessary as of June 2017.<sup>478</sup> According to a January 2020 AAN article, ‘people of Chaman district (Pakistan) and Spin Boldak district (Afghanistan) are provided with a simple document by the Pakistani government called a “border pass”. These passes are issued at the border.’<sup>479</sup> They are valid for three months and renewable. They are issued by the Pakistani border police upon showing the national IDs. According to the source sometimes people without a border pass are allowed to cross anyhow. The Ghulam Khan border point could be crossed by inhabitants of three Afghan south-eastern provinces Paktia, Paktika and Khost with identity documents (*tazkeras*) in case they had relatives who lived across the Durand Line.<sup>480</sup> On 27 June 2016, the newspaper The News cited the minister of SAFRON, who declared that the national policy 2016-2017 for Afghan refugees was under review. The minister reportedly announced that a ‘new tougher policy is ahead with new border management laws.’<sup>481</sup> In February 2017, the Federal Cabinet of Pakistan adopted the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.<sup>482</sup> According to the newspaper Dawn, this included a stricter implementation of immigration laws along the border with Afghanistan, requiring registered refugees to give up their PoR cards before going to Afghanistan and obtain visas to enter Pakistan again.<sup>483</sup>

<sup>473</sup> Translation: to let pass (literal), permit, permission to pass. Mielke, K., email, 14 March 2022; see also Verso Consulting, Transitions in the borderlands, March 2021, [url](#), pp. 4, 6, 24; On *rahdari* cards that were issued in 2015 to facilitate frequent cross border movement of mainly Shinwari tribesmen see Dawn, Customs agents, Afghan students to get new cards, 8 July 2017, [url](#); Herald, Walking the line in times of conflict, 30 October 2017, [url](#)

<sup>474</sup> IOM, Assessment of Incoming Afghan Nationals (Torkham Border), 29 June 2017, [url](#), p. 1

<sup>475</sup> Verso Consulting, Transitions in the borderlands, March 2021, [url](#), p. 24

<sup>476</sup> Gandhara, Divided By Pakistan’s Border Fence, Pashtuns Lose Business, Rights, And Tribal Ties, 17 May 2021, [url](#); see also Express Tribune (The), Border management system starts functioning at Torkham, 1 June 2016, [url](#); Altai Consulting and UNHCR, Study on cross border population movements between Afghanistan and Pakistan, June 2009, p. 19; Verso Consulting, Transitions in the borderlands, March 2021, [url](#), pp. 7, 24

<sup>477</sup> Dawn, Customs agents, Afghan students to get new cards, 8 July 2017, [url](#); Herald, Walking the line in times of conflict, 30 October 2017, [url](#)

<sup>478</sup> IOM, Assessment of Incoming Afghan Nationals (Torkham Border), 29 June 2017, [url](#), p. 1

<sup>479</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>480</sup> AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>481</sup> News International (The), Policy for repatriation of Afghan refugees gets tougher, 27 June 2016, [url](#)

<sup>482</sup> UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, [url](#), p. 13

<sup>483</sup> Dawn, Strict implementation of immigration laws on Afghan border, 8 February 2017, [url](#)



The measures that Pakistan has taken to manage the border have impacted the Afghan refugee population in the country.<sup>484</sup> A survey conducted by Mielke and other researchers between October 2020 and March 2021 with 299 respondents found that in comparison to other situations of long-term displacement around the world, Afghans were more mobile and ‘regularly engaged in circular mobility to and from their country of origin but also across territorial borders within the region’.<sup>485</sup> However, the survey also found that the tightening of the GoP’s border policies was leading to increased transnational immobility of Afghans.<sup>486</sup> Khalid Khan Kheshgi stated in March 2022 that unregistered and undocumented Afghans who live in Pakistan or want to enter Pakistan via the Torkham or Chaman border crossing into Balochistan were required to pay ‘heavy bribes and money’ to police officers and law-enforcing staff.<sup>487</sup>

Pakistan closed its borders to travellers from Afghanistan at the Chaman and at the Torkham border for several weeks in 2020 due to the outbreak of COVID-19.<sup>488</sup> For more information on temporary closures of border crossings before May 2020, please refer to section 3.5 Cross-border movement of the former [EASO’s report on the situation of Afghan refugees in Pakistan](#).

According to UNHCR, the Spin Boldak-Chaman border crossing was re-opened on 29 July 2020 for a few hours after having been closed for two months. After deadly clashes on 30 July 2020, the border was further opened for pedestrians between 4 and 8 August 2020. The Torkham border crossing was opened for pedestrian movement in July and August on a number of individual days.<sup>489</sup> An RFE/RL article stated on 21 August 2020 that the Spin Boldak-Chaman border, which was closed in March 2020 due to the COVID-19 pandemic, had re-opened.<sup>490</sup> While the Spin Boldak-Chaman border was re-opened to pedestrians for seven days a week, the Torkham border was open for one day per week as of 25 August 2020.<sup>491</sup> In November 2020, UNHCR stated that the GoP had decided on 28 September to re-open the ‘Torkham and other crossing points with Afghanistan located in Khyber Pakhtunkhwa’ for pedestrians on four days a week.<sup>492</sup> In 2021, border crossings between Afghanistan and Pakistan remained subjected to temporary border closings due to COVID-19.<sup>493</sup> Khalid Khan

<sup>484</sup> Al Jazeera, Afghan refugees return home amid Pakistan crackdown, 26 February 2017, [url](#)

<sup>485</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 29

<sup>486</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 29

<sup>487</sup> Khan Kheshgi, K., email, 2 March 2022; see also AAN, The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, [url](#)

<sup>488</sup> News International (The), Coronavirus threat: Pak-Afghan border closed for 15 days, 16 March 2020, [url](#); News International (The), Amid Coronavirus outbreak, Pakistan opens border with Afghanistan to permit flow of goods, 21 March 2020, [url](#); News International (The), Borders closure extended for two weeks, says interior ministry, 14 April 2020, [url](#)

<sup>489</sup> UNHCR, UNHCR, Border Monitoring Update: Covid-19 Response (26 July – 08 August 2020), 11 August 2020, [url](#), p. 1

<sup>490</sup> RFE/RL, Pakistan Reopens Key Border Crossing With Afghanistan, 21 August 2020, [url](#)

<sup>491</sup> UNHCR, Border Monitoring Update: Covid-19 Response (23 -29 August 2020), 2 September 2020, [url](#), p. 1

<sup>492</sup> UNHCR, Border Monitoring Update: Covid-19 Response (15 - 21 November 2020), 25 November 2020, [url](#), p. 1

<sup>493</sup> UNHCR, Afghanistan: Voluntary Repatriation Update (January–December 2021), 21 February 2022, [url](#), p. 1; International Crisis Group, Pakistan’s Hard Policy Choices in Afghanistan, 4 February 2022, [url](#); see also Al Jazeera, Thousands of Afghans enter Pakistan via Chaman border crossing, 17 August 2021, [url](#); National (The), Pakistan fears another refugee influx as Afghans assemble on its doorstep, 1 September 2021, [url](#)



Kheshgi explained in March 2022 that the majority of border crossings remained closed for longer periods of time due to the pandemic.<sup>494</sup>

Following the Taliban's seizure of power and the fatal suicide bombing at Kabul airport, an 'unprecedented' number of people were reported to be fleeing Afghanistan through the official Spin Boldak-Chaman border crossing to Pakistan in late August 2021. Pakistan had declared that it would not accept any Afghan refugees<sup>495</sup> and further tightened its border rules<sup>496</sup>. In November 2021, the U.S. magazine Foreign Policy noted that 'Pakistan has pushed back against new arrivals from Afghanistan' after the Taliban took power, intensifying its border restrictions and sending back some people who entered without visas. Many Afghans faced turnbacks at borders they had formerly passed through easily.<sup>497</sup> Furthermore, the situation regarding border crossings was frequently changing.<sup>498</sup> According to DFAT, the border crossings to Pakistan as of January 2022 'are sometimes open and sometimes closed, and sometimes permit only a small number of people to cross the border'.<sup>499</sup> DFAT further stated that since the Taliban takeover even Afghans with a valid visa for Pakistan are often not allowed to enter the country. But due to the 'length of the border and the rugged terrain' undocumented border crossing still occurs.<sup>500</sup> According to the International Federation of the Red Cross and Red Crescent Societies (IFRC), while reports on movements of people between Pakistan and Afghanistan and vice versa existed, there were no official reports on refugees and asylum seekers arriving from Afghanistan as of January 2022.<sup>501</sup> According to Khalid Khan Kheshgi, cross-border movement of Afghans between Pakistan and Afghanistan has been restricted since the Taliban's takeover of power in Afghanistan and due to the COVID-19 pandemic. The restrictions affected legal checkpoints including at the Torkham and the Spin Boldak-Chaman border crossings. Kheshgi further stated that the fencing of the border has also restricted border crossings at 'illegal points on the border'. He also reported that it was harder for Afghans to receive visas for their movement between the two countries because the Afghan embassy and consulates in Pakistan lacked staff.<sup>502</sup>

However, as of August and September 2021 the Spin Boldak-Chaman border crossing remained open, with hundreds of thousands of Afghans attempting to cross.<sup>503</sup> In mid-August 2021, Al Jazeera reported that people who wanted to cross the Spin Boldak-Chaman border

<sup>494</sup> Khan Kheshgi, K., email, 2 March 2022

<sup>495</sup> Guardian (The), 'Unprecedented' numbers crossing from Afghanistan to Pakistan, 27 August 2021, [url](#)

<sup>496</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>497</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>498</sup> DW, Afghanistan: How a remote border crossing provides a lifeline for traders and nomads, 25 November 2021, [url](#)

<sup>499</sup> Australia, DFAT, DFAT Thematic Report on Political and Security Developments in Afghanistan (August 2021 to January 2022), 14 January 2022, [url](#), p. 21; see also Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 44

<sup>500</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 43; see also UNOCHA, Afghanistan Humanitarian Needs Overview 2022, 7 January 2022, [url](#), p. 54

<sup>501</sup> IFRC, Operation Update: Regional Population Movement – Afghanistan, 10 January 2022, [url](#), p. 2

<sup>502</sup> Khan Kheshgi, K., email, 2 March 2022

<sup>503</sup> Guardian (The), 'Unprecedented' numbers crossing from Afghanistan to Pakistan, 27 August 2021, [url](#); UNHCR, Afghanistan: Official Crossing Points Status Weekly Update (as of 16 September 2021), 21 September 2021, [url](#), p. 1; UNHCR, Afghanistan: Official Crossing Points Status Weekly Update (as of 29 September 2021), 7 October 2021, [url](#), p. 1; see also BBC News, Afghanistan: Fleeing the Taliban into Pakistan and leaving dreams behind, 31 August 2021, [url](#)





needed to present valid Afghan identity documents or PoR cards.<sup>504</sup> As of 29 September 2021, Afghans holding *tazkeras* of Spin Boldak district and Kandahar province in Afghanistan and those possessing PoR cards, ACCs and border passes as well as Afghans who needed urgent medical treatment were allowed to cross the Spin Boldak-Chaman border. In some cases people with no documents could also cross the border.<sup>505</sup> In order to cross the Torkham border, the second major border crossing, that connects Pakistan's Khyber Pakhtunkhwa and Afghanistan's Nangarhar provinces,<sup>506</sup> people needed to present passports and visas or support letters issued by the Pakistani Ministry of Foreign Affairs. The Ghulam Khan border remained open for Afghans holding visas.<sup>507</sup> As reported in August 2021, Torkham remained largely closed for 'pedestrians' due to 'COVID-19 related restrictions on the entry of Afghan nationals'.<sup>508</sup> According to the Dawn newspaper, Torkham reopened to pedestrians in October 2021 after more than five months of suspension.<sup>509</sup> The same month, the Taliban ordered the closure of the Spin Boldak-Chaman border crossing demanding for visa-free travel on the basis of national ID documents for Afghan nationals. The crossing was reportedly reopened to pedestrians in early November 2021 allowing Kandahar's residents to enter Pakistan solely on the basis of national ID documents.<sup>510</sup> In mid-December 2021, UNHCR stated that the practices to enter Pakistan at the Spin Boldak-Chaman border were inconsistent.<sup>511</sup> In mid-December 2021 and as of mid-February 2022, according to UNHCR, entry at the Torkham border crossing was possible for those with a valid passport and visa.<sup>512</sup> Furthermore, Afghans in need of urgent medical help were allowed to cross the border with one caretaker at the Torkham and with two caretakers at the Spin Boldak-Chaman border crossing. Afghans in possession of *tazkeras* from neighbouring districts could also enter Pakistan at the Spin Boldak-Chaman border crossing.<sup>513</sup> In February 2022, it was reported that the Spin Boldak-Chaman border crossing was reopened after having been closed for a few days due to clashes between security forces at the border.<sup>514</sup> Furthermore, movement at the

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<sup>504</sup> Al Jazeera, Thousands of Afghans enter Pakistan via Chaman border crossing, 17 August 2021, [url](#)

<sup>505</sup> UNHCR, Afghanistan: Official Crossing Points Status Weekly Update (as of 29 September 2021), 7 October 2021, [url](#), p. 1

<sup>506</sup> International Crisis Group, Pakistan's Hard Policy Choices in Afghanistan, 4 February 2022, [url](#)

<sup>507</sup> UNHCR, Afghanistan: Official Crossing Points Status Weekly Update (as of 29 September 2021), 7 October 2021, [url](#), p. 1

<sup>508</sup> Al Jazeera, Thousands of Afghans enter Pakistan via Chaman border crossing, 17 August 2021, [url](#); see also National (The), Pakistan fears another refugee influx as Afghans assemble on its doorstep, 1 September 2021, [url](#)

<sup>509</sup> Dawn, Pedestrian movement resumes at Torkham border, 22 October 2021, [url](#)

<sup>510</sup> International Crisis Group, Pakistan's Hard Policy Choices in Afghanistan, 4 February 2022, [url](#); see also Dawn, Chaman-Spin Boldak border reopens after nearly month-long closure, 2 November 2021, [url](#); Pajhwok Afghan News, Spin Boldak-Chaman crossing reopens after a month, 2 November 2021, [url](#)

<sup>511</sup> UNHCR, Flash External Update: Afghanistan Situation #12 (As of 15 December 2021), 15 December 2021, [url](#), p. 2

<sup>512</sup> UNHCR, Flash External Update: Afghanistan Situation #12 (As of 15 December 2021), 15 December 2021, [url](#), p. 2; UNHCR, Flash External Update: Afghanistan Situation #14 (As of 15 February 2022), 15 February 2022, [url](#), p. 3

<sup>513</sup> UNHCR, Flash External Update: Afghanistan Situation #14 (As of 15 February 2022), 15 February 2022, [url](#), p. 3

<sup>514</sup> France 24, Pakistan-Afghan border reopens days after deadly clash, 27 February 2022, [url](#); see also Reuters, Fresh clashes on Pakistan-Afghanistan border kill two, wound several, 25 February 2022, [url](#)



Torkham crossing was restricted to valid visa holders and monitored by Pakistani authorities.<sup>515</sup>

According to an Al Jazeera article referring to statements of officials, on 16 August 2021, around 20 000 people ‘used the Chaman border crossing’, including 13 000 Afghans who were entering Pakistan.<sup>516</sup> With reference to officials, The National stated, on 1 September 2021, that around 20 000 people, approximately fourfold the usual numbers according to the source, were entering Pakistan via the Spin Boldak-Chaman border crossing on a daily basis.<sup>517</sup> As of early September 2021, it was reported that thousands of Afghans were stranded in the area outside the Spin Boldak-Chaman border crossing for the previous two weeks.<sup>518</sup> However, in September 2021 the GoP reportedly stated that a movement of Afghans into Pakistan on a large scale could not be observed.<sup>519</sup> This was congruent to the assessment of UNHCR published in the National on 1 September 2021.<sup>520</sup> As reported by IOM, between 12 February 2022 and 11 March 2022, 67 223 individuals crossed from Afghanistan into Pakistan while 63 678 individuals entered Afghanistan from Pakistan.<sup>521</sup> Between 26 February 2022 and 25 March 2022, 73 192 individuals crossed from Afghanistan into Pakistan while 69 711 individuals entered Afghanistan from Pakistan. IOM further stated that, in the week from 19 March to 25 March 2022, an average of 10 456 individuals entered Pakistan from Afghanistan per day compared to 10 739 in the week before. Furthermore, it reported that an average of 9 959 individuals crossed into Afghanistan from Pakistan per day compared to 10 422 in the week before. Between March 2021 and February 2022, 3 297 668 individuals entered Pakistan from Afghanistan and 3 092 408 individuals entered Afghanistan from Pakistan.<sup>522</sup>

<sup>515</sup> International Crisis Group, Pakistan’s Hard Policy Choices in Afghanistan, 4 February 2022, [url](#); see also ntv, Grenzübergang zwischen Afghanistan und Pakistan wiedereröffnet [Border crossing between Afghanistan and Pakistan reopened], 2 November 2021, [url](#)

<sup>516</sup> Al Jazeera, Thousands of Afghans enter Pakistan via Chaman border crossing, 17 August 2021, [url](#); see also BBC News, Afghanistan: Pakistan fences off from Afghan refugees, 19 August 2021, [url](#)

<sup>517</sup> National (The), Pakistan fears another refugee influx as Afghans assemble on its doorstep, 1 September 2021, [url](#)

<sup>518</sup> Pajhwok Afghan News, Stranded at Spin Boldak, thousands of Afghans in trouble, 6 September 2021, [url](#)

<sup>519</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>520</sup> National (The), Pakistan fears another refugee influx as Afghans assemble on its doorstep, 1 September 2021, [url](#)

<sup>521</sup> IOM, Movements In and Out of Afghanistan, 5-11 March 2022, 16 March 2022, [url](#), p. 1

<sup>522</sup> IOM, Movements In and Out of Afghanistan, 19-25 March 2022, 30 March 2022, [url](#), p. 1





### 3. Socio-economic situation of Afghan refugees in Pakistan

In the following chapters, access to livelihoods is described where possible for PoR cardholders, ACC holders and undocumented Afghans in Pakistan.

#### 3.1. Education

A background paper written by Hervé Nicolle for the 2019 Global Education Monitoring Report, published in 2018, stated that access to education for Afghan refugees has to be assessed in the light of a ‘generally weak’ educational system in Pakistan.<sup>523</sup> According to the Pakistan Social and Living Standards Measurement Survey (PSLM) 2019-20, 32 % of children aged 5 to 16 in Pakistan are out of school.<sup>524</sup> In absolute terms, a total of 22.8 million children were out of school as of December 2021, the second highest number worldwide according to Education Cannot Wait (ECW), the UN's global fund for education in emergencies and protracted crises.<sup>525</sup>

The quality of the public education system in Pakistan is reportedly poor with a shortage of schools and teachers existing.<sup>526</sup> In October 2017, Fiza Farhan, an independent consultant and chairperson to chief minister of Punjab’s Task Force on Women Empowerment stated that Pakistan lacked a standard medium of instruction in all regions, an updated curriculum and a standard assessment tool.<sup>527</sup> According to Farhan, the COVID-19 pandemic led to a further deterioration of the educational situation with around 26.1 million students dropping out of school in March 2020. After schools reopened in September 2020, 13 million children, of which 60 % were girls, stayed unenrolled.<sup>528</sup> According to the ECW director, the ‘interconnected challenges of COVID-19 and climate change, coupled with the impacts of the new arrivals of Afghans seeking refuge in Pakistan’ after the Taliban takeover of power in August 2021 have posed additional challenges to the educational system.<sup>529</sup>

Article 25A of the Constitution of Pakistan stipulates the following: ‘The State shall provide free and compulsory education to all children of the age of five to sixteen years in such

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<sup>523</sup> Nicolle, H., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, [url](#), p. 11

<sup>524</sup> Pakistan, PBS, PSLM – 2019-2020: Pakistan Social and Living Standards Measurement Survey, July 2021, [url](#), p. 25; PAMS, The missing third: An out-of-school children study of Pakistani 5-16 year-olds, 3 September 2021, [url](#)

<sup>525</sup> ECW, Education Cannot Wait announces US\$13.2 million catalytic grant to support education for the most vulnerable children and adolescents in Pakistan, 31 December 2021, [url](#)

<sup>526</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20

<sup>527</sup> Farhan F., Education: a solution for Pakistan, The Express Tribune, 1 October 2017, [url](#)

<sup>528</sup> Farhan F., Who is to blame for out-of-school children?, The Express Tribune, 30 June 2021, [url](#)

<sup>529</sup> ECW, Education Cannot Wait announces US\$13.2 million catalytic grant to support education for the most vulnerable children and adolescents in Pakistan, 31 December 2021, [url](#)



manner as may be determined by law.’<sup>530</sup> According to Hervé Nicolle, this constitutional provision made education possible for all children in Pakistan, regardless of their origin.<sup>531</sup> In December 2012, a law came into force guaranteeing the fundamental right to free and compulsory education to every child regardless of sex, nationality, or race in a neighbourhood school. Article 12 of this law states ‘For the purposes of admission to a school, the age of a child shall be determined on the basis of the Form-B of NADRA<sup>532</sup> and birth certificate issued as prescribed: Provided that no child shall be denied admission in a school for lack of proof of age’.<sup>533</sup>

Mudassar M. Javed stated in March 2022 that, in order to be admitted to school Afghans need to present a UNHCR Asylum Seeker certificate and a PoR card or an ACC. The case number on the certificate serves as the person’s ID card number according to Javed. The school administrations do not require other documentation for the admission. However, a birth certificate indicates that the minor is registered with one or both parents. Therefore, minors who have not yet received their ID cards can provide their birth certificates as a proof of registration, Javed explained.<sup>534</sup> The News International reported in March 2022 that tens of thousands of second- or third-generation Afghan refugee children born in Pakistan had no access to education because they did not have citizenship cards. The article cites an Afghan father of two children born in Pakistan stating that his children could not get enrolled in government schools, because ‘every school’ they had approached asked for the ‘parents’ computerised national identity cards and the child’s Form-B [or child registration certificate that serves as an identity document for those below the age of 18]’. With reference to the head of the Karachi-based NGO Initiator Human Development Foundation which works for children of Afghan refugees, the article goes on to explain that statelessness would force most of the refugees’, to send their children to study in *madrassas* or ask them to work as waste pickers’.<sup>535</sup>

According to Hervé Nicolle, Afghan refugees are able to choose different providers of education in Pakistan. They attend Pakistani government schools, Pakistani private schools, Afghan private schools and *madrassas*.<sup>536</sup> According to the US Department of State (USDOS) annual report on human rights practices in Pakistan (covering 2020), in theory every Afghan refugee registered with both UNHCR and the GoP-run Commissionerate for Afghan Refugees, after completing the paperwork, can be admitted to public schools. At the same time, the USDOS noted that ‘access to schools [...] was on a space-available basis as determined by the

<sup>530</sup> Pakistan, The Constitution of the Islamic Republic of Pakistan, as modified up to 31 May 2018, [url](#), art. 25A

<sup>531</sup> Nicolle, H., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, [url](#), p. 12

<sup>532</sup> ‘Child Registration Certificate (CRC) is a registration document used to register minors under the age of 18 years [...]. CRC is also known as B-form. CRC can be taken by providing documented proof of child birth from union council. Parent is required to be a holder of National Identity Card (NIC)/National Identity Card for Overseas Pakistanis (NICOP)’. Pakistan, NADRA, Child Registration Certificate (CRC), n.d., [url](#)

<sup>533</sup> Pakistan, Act No XXIV of 2012: An Act to provide for free and compulsory education to all children of the age of five to sixteen years, 24 December 2012, [url](#), art. 3, 12

<sup>534</sup> Javed, M.M., email, 3 March 2022

<sup>535</sup> News International (The), Statelessness keeps young Afghan refugees away from education, 13 March 2022, [url](#)

<sup>536</sup> Nicolle, H., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, [url](#), pp. 14-15; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20



principal, and most registered Afghan refugees attended private Afghan schools or schools sponsored by the international community.<sup>537</sup> UNHCR supports primary educational assistance for Afghan minors who face difficulties in school access.<sup>538</sup> However, the assistance provided by UNHCR and CAR is only for PoR cardholders.<sup>539</sup> The News International reported in September 2021 that students of the majority of Afghan private schools in Karachi used to obtain their education certificates by the Ministry of Education in Afghanistan or at educational institutions inside Afghanistan. The article further stated that, with the Taliban's takeover of power, it remained unclear whether students of these private schools would continue to obtain certificates.<sup>540</sup>

In the UNHCR Education Activities for Afghan Refugees in Pakistan Infographic published on 10 February 2020, UNHCR stated that 563 000 children of the registered Afghan refugee population are of school-going age. Of these, 55 % were primary school-age children and 45 % were secondary school-age children. This makes 40 % of the total refugee population of 1.4 million registered Afghan refugees.<sup>541</sup> The United Nations Educational, Scientific and Cultural Organisation (UNESCO) raised concerns about the low education rates of Afghan refugee girls in its Global Education Monitoring (GEM) Report 2019. Referring to a survey in 2011, UNESCO stated that in Pakistan, 18 % of Afghan refugee girls were enrolled in school by the time of the survey, which was half the enrolment rate of boys (39 %) and less than half the rate for girls in Afghanistan.<sup>542</sup> In its Refugee Education Strategy 2016-2018 for Pakistan, UNHCR reported that 51 % of Afghan refugees aged 6 to 17 years were enrolled in schools. Of those, 43 % were enrolled in Afghan private schools, 23 % in Pakistani public schools, 25 % in refugee village schools and 10 % in other schools, such as non-formal schools, Pakistani private schools or religious schools. 49 % or around 180 000 of 367 000 children in primary school age (5-11 years) were not enrolled in schools according to the source.<sup>543</sup>

Reasons that keep Afghan refugee children away from school are socio-economic factors, a lacking infrastructure, a 'conservative attitude towards female education'<sup>544</sup> or security concerns for girls who live in rural areas or in the peripheries of urban areas,<sup>545</sup> and in some

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<sup>537</sup> USDOS, Country Report on Human Rights Practices 2020 - Pakistan, 30 March 2021, [url](#), p. 38

<sup>538</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 5

<sup>539</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 23

<sup>540</sup> News International (The), Future of city's Afghan students hangs in the balance after Taliban takeover, 27. September 2021, [url](#)

<sup>541</sup> UNHCR, UNHCR Education Activities for Afghan Refugees in Pakistan, 10 February 2020, [url](#), p. 1

<sup>542</sup> UNESCO, Global education monitoring report, 2019: Migration, displacement and education: building bridges, not walls, 2018, [url](#), p. 59

<sup>543</sup> UNHCR, Refugee Education Strategy 2016-2018, Pakistan, 2018 [url](#), p. 7

<sup>544</sup> Jahangir, A. and Khan, F., Challenges to Afghan Refugee Children's Education in Pakistan, December 2021, [url](#), pp. 594-595

<sup>545</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20



reported cases the absence of birth certificates or of the Form B<sup>546</sup> of NADRA.<sup>547</sup> Furthermore, refugee families who move from rural to urban areas are difficult to reach for UNHCR.<sup>548</sup>

Under the RAHA initiative, which was started in 2009 by the Government of Pakistan, supported financially by a number of donor countries and by the United Nations, multiple projects in various sectors, such as education, health or livelihoods were carried out. As of February 2021, the initiative was extended from 2020 to 2022.<sup>549</sup> According to the UNHCR Education Strategy 2020-2022, in the last 40 years UNHCR provided support for 146 schools in refugee villages (103 schools in Khyber Pakhtunkhwa, 35 in Balochistan and 8 in Punjab), which served the education needs of about 56 000 refugee children.<sup>550</sup>

In January 2018, the newspaper Dawn reported that UNHCR had stated that the Afghan curriculum (the curriculum as used in Afghanistan) was used in UNHCR-funded refugee schools in Khyber Pakhtunkhwa. The provincial government had criticised that an ‘anti-Pakistan curriculum’ was being taught.<sup>551</sup> In October 2018, UNHCR released a statement in which UNHCR explained that they decided to use the Pakistani curriculum in refugee village schools at primary and secondary education levels.<sup>552</sup> In October 2019, the Afghan news portal Pajhwok Afghan News reported that 91 Afghan refugee teachers completed a training program on the Pakistani curriculum.<sup>553</sup> In its Education Strategy 2020-2022, UNHCR stated that the transition to the Pakistani curriculum in UNHCR-funded schools for refugees in the provinces of Khyber Pakhtunkhwa and Balochistan would be supported by UNHCR until 2024. The transition was supposed to allow ‘refugee students to more easily progress from primary to higher education’ and provide them ‘access to accredited national-level examinations and certification’.<sup>554</sup>

According to an August 2021 academic paper co-authored by Mielke and other researchers, the efforts to ‘ensure the complementarity of both curricula’ for students who study the Afghan curriculum in an Afghan community school at an elementary level ‘have so far not been very successful’.<sup>555</sup> Children, who studied the Afghan curriculum at elementary level from grade six onwards have to shift to the Pakistani curriculum, which poses a challenge to them and is one

<sup>546</sup> ‘Child Registration Certificate (CRC) is a registration document used to register minors under the age of 18 years [...]. CRC is also known as B-form. CRC can be taken by providing documented proof of child birth from union council. Parent is required to be a holder of National Identity Card (NIC)/National Identity Card for Overseas Pakistanis (NICOP)’. Pakistan, NADRA, Child Registration Certificate (CRC), n.d., [url](#)

<sup>547</sup> Jahangir, A. and Khan, F., Challenges to Afghan Refugee Children’s Education in Pakistan, December 2021, [url](#), p. 601; Arab News Pakistan, Top students in other cities, Afghan refugees not allowed secondary education in Karachi, 2. August 2020, [url](#); New York Times (The), Born and Raised in Pakistan, but Living in Legal Limbo, 28 December 2021, [url](#)

<sup>548</sup> Jahangir, A. and Khan, F., Challenges to Afghan Refugee Children’s Education in Pakistan, December 2021, [url](#), p. 601

<sup>549</sup> UNHCR et al., RAHA Program Document: 2020-2022, 1 February 2021, [url](#), p. 6; UNHCR, Pakistan Country Factsheet (January 2022), 14 January 2022, [url](#), p. 2

<sup>550</sup> UNHCR, Pakistan - Refugee Education Strategy (2020-2022), 10 February 2020, [url](#), p. 3

<sup>551</sup> Dawn, KP govt takes notice of objectionable content in curriculum of Afghan refugee schools, 23 January 2018, [url](#)

<sup>552</sup> UNHCR, Education: Afghan refugees studying in refugee villages, 15 October 2018, [url](#)

<sup>553</sup> Pajhwok Afghan News, 91 Afghan refugee teachers complete training, 17 October 2019, [url](#)

<sup>554</sup> UNHCR, Pakistan - Refugee Education Strategy (2020-2022), 10 February 2020, [url](#), p. 1

<sup>555</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20



reason why parents take their children out of school after the fifth grade.<sup>556</sup> According to a comment of journalist and researcher Zia Ur Rehman made during the review of this report on 29 March 2022, the certificates of schools for refugees run by Afghan educators in the various cities of Pakistan, such as the ones in Karachi, mentioned further above, were not recognised by GoP. Zia Ur Rehman clarified that these schools were registered with the Afghan Ministry of Education and their certificates were recognised by the previous Afghan government of Ashraf Ghani. After the Taliban came to power in Afghanistan, it remained unclear whether they would continue to award certificates to Afghan students in Pakistan.<sup>557</sup> A 2015 report of UNHCR and the Norwegian Refugee Council (NRC) described that it was perhaps difficult for Afghan refugees to get access to higher secondary education in public schools due to certification issues as well as financial and social limitations.<sup>558</sup>

According to the DFAT, PoR cardholders have access to a limited number of places in Pakistani universities and 'very few have the means to do so'.<sup>559</sup> The CAR education cell supported by UNHCR enables PoR cardholders to join formal and technical public and private institutions at college and university level. Admissions for higher education are granted on seats allocated by the Higher Education Commission (HEC)<sup>560</sup>, which according to Mielke acts as a link between the CAR education cells and the institutions for higher education<sup>561</sup>. As to the current government policy, every government institution for higher education at college and university level reserves two seats for refugees and only PoR cardholders can apply on this quota.<sup>562</sup> The Punjabi CAR, on its undated website, stated that there are 'reserved seats for Afghan students in MBBS [Bachelor of Medicine, Bachelor of Surgery], Engineering and MBA [Master of Business Administration] every year'. The entry goes on to further explain that 'presently there is only one reserved seat for Afghan refugees in Punjab in Rawalpindi medical college (RMC)'.<sup>563</sup> The annual report of the USDOS of 30 March 2021 remarked 'for older students, particularly girls in refugee villages, access to education remained difficult'.<sup>564</sup> A scholarship programme by UNHCR and funded by Germany, the DAFI (Albert Einstein German Academic Refugee Initiative) provides scholarships to Afghan refugees in Pakistan for young adults to get enrolled in higher education.<sup>565</sup> According to ADSP, 400 students were studying on a DAFI scholarship in various universities of Pakistan in 2018.<sup>566</sup> The Express Tribune reported in April 2020 that the Allama Iqbal Open University in Balochistan enrolled a number of Afghan refugees in study programmes. The university provides them learning facilities in

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<sup>556</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20

<sup>557</sup> Rehman, Z.U., comment made during the review of this report, 29 March 2022; see also News International (The), Future of city's Afghan students hangs in the balance after Taliban takeover, 27 September 2021, [url](#)

<sup>558</sup> UNHCR and NRC, Breaking the Cycle: Education and the Future of Afghan Refugees - September 2015, 15 September 2015, [url](#), p. 9

<sup>559</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>560</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 24

<sup>561</sup> Mielke, K., email, 6 March 2022

<sup>562</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 24

<sup>563</sup> Pakistan, CAR Punjab, Frequently Asked Questions, n.d., [url](#)

<sup>564</sup> USDOS, Country Report on Human Rights Practices 2020 - Pakistan, 30 March 2021, [url](#), p. 38

<sup>565</sup> UNHCR, DAFI Brochure, 18 October 2018, [url](#), p. 1, p. 3; UNHCR, The Albert Einstein German Academic Refugee Initiative-DAFI in Pakistan, 8 August 2019, [url](#)

<sup>566</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 24



their refugee camps, books are sent by post, and tutors visit them and guide them in the camps. The university also performs examinations in the camp premises.<sup>567</sup>

DFAT stated in January 2022 that ACC holders have no access to public education.<sup>568</sup> The study of ADSP mentioned that it is possible for ACC holders to have access to private schools, colleges and universities as there are private education providers who admit ACC holders. Most of these institutions are governed by Afghans and follow the Afghan curriculum. ACC holders have no access to UNHCR-supported refugee schools and DAFI scholarships.<sup>569</sup>

ADSP stated in June 2019 that there are no education services for Afghans without PoR card or ACC. For these undocumented Afghans it is possible to register in private education schools. However, private institutions are reluctant to give admission to undocumented Afghan refugees due to fear of disciplinary measures from the Pakistani government.<sup>570</sup> According to the DFAT, Afghans who neither hold a PoR nor an ACC and are registered as refugees or asylum seekers with UNHCR (see section [2.2.1 Undocumented Afghans](#)) theoretically have access to education, ‘but this usually requires intervention by the UNHCR and is unattainable for many.’<sup>571</sup>

## 3.2. Employment

While some sources stated that Afghans have limited access to the formal labour market, other sources indicated that Afghans have no access to the formal labour market at all.

For a study published in August 2021, Mielke and other researchers conducted a survey among 299 Afghan refugees in Pakistan between November 2020 and February 2021. The survey findings indicated that self-employment and daily laboring were the most common income sources among the survey participants.<sup>572</sup> Similarly, a Market Systems Analysis published by the International Labour Organization (ILO) and UNHCR in 2018 found that while Afghan refugees were occupied in a variety of fields, they were found to engage more frequently in daily wage labour in construction and agricultural activities (as labourers or farmers).<sup>573</sup> The study by Mielke and other researchers found that ‘agricultural labour [...] hardly played a role’ as an income source among its – mostly urban – survey respondents.<sup>574</sup> The study further stated that Pakistan’s economy is ‘largely informal and undocumented’. In addition, Afghans in Pakistan according to the source lack eligibility for public sector employment due to their legal status.<sup>575</sup> In its 10 February 2020 Livelihood Strategy (2018-

<sup>567</sup> Express Tribune (The), AIU enrols Afghan refugees, 20 April 2020, [url](#); see also Daily Times, AIU all set to establish regional office in Afghanistan, 12 December 2021, [url](#)

<sup>568</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>569</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 24

<sup>570</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 24

<sup>571</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>572</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 4, 18

<sup>573</sup> ILO and UNHCR, Market Systems Analysis for Afghan Refugees in Pakistan, 2018, [url](#), p. 6

<sup>574</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>575</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 36





2021), UNHCR stated that the possession of a Computerised National Identity Card (CNIC) was a 'pre-requirement for accessing employment opportunities in the formal sector' and that refugees had 'little access to the formal job market'.<sup>576</sup> Based on a Strength, Weakness, Opportunity and Threat (SWOT)<sup>577</sup> analysis carried out for the strategy paper, UNHCR noted that while 'many refugees were found to be skilled and self-employed', no Afghan refugees could be found being employed in the formal economy (by public or private sector) due to the absence of a national identity card.<sup>578</sup> According to the study of ADSP, Afghans in Pakistan 'almost exclusively' work in the 'informal sector of the undocumented economy'.<sup>579</sup> As stated by the source, PoR cardholders have a better, although limited, opportunity to find work in the formal and informal sector than unregistered Afghans, and the majority of PoR cardholders was 'engaged in hazardous occupations in the informal economy'.<sup>580</sup> However, the PoR card does not grant the right to work or the right to employment.<sup>581</sup> In January 2022, the DFAT stated that PoR cardholders and ACC holders cannot legally work and many work in the informal economy.<sup>582</sup>

A study of Cursor of Development and Education Pakistan (CODE) stated in November 2019 that a majority of the Afghans are concentrated in four specific industries: carpet-weaving, fresh fruits, heavy machinery and honeybee keeping. Besides these four industries, Afghan refugees also take part in the working and business class community by setting up small- and large-scale businesses.<sup>583</sup> ADSP added in their study published in June 2019 that '[t]housands of Afghans own or are engaged in small, medium and large-scale businesses' adding that a majority of these businesses were 'unregistered or under the proxy ownership of Pakistani friends and relatives'.<sup>584</sup> Due to their legal status, Afghan refugees cannot own or register property in their own name, e.g. a business or piece of land.<sup>585</sup>

Afghan refugees who have no skills or are low-skilled were found to work in 'transport businesses (without drivers' licenses) [...], as tailors, scrap collectors and traders', according to the academic paper by Mielke and other researchers. They further rear and trade livestock, work as 'security guards, washermen, waiters', run mobile food stalls or tandoors (bakeries) and mobile repair shops or work in mines or production factories. Respondents who had

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<sup>576</sup> UNHCR, Pakistan: Livelihoods Strategy (2018–2021), 10 February 2020, [url](#), p. 7; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>577</sup> Based on a 'consultative process with UNHCR teams, Provincial CAR Offices, beneficiaries (Afghan refugees Shooras in RVs [Refugee Villages] and Afghan youth in urban areas), key informants, representatives of partner organizations and other relevant stakeholders in Islamabad and in the field'. UNHCR, Pakistan: Livelihoods Strategy (2018–2021), 10 February 2020, [url](#), p. 10

<sup>578</sup> UNHCR, Pakistan: Livelihoods Strategy (2018–2021), 10 February 2020, [url](#), p. 10; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>579</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 5

<sup>580</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 28

<sup>581</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 10, 17

<sup>582</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21; ILO and UNHCR, Market Systems Analysis for Afghan Refugees in Pakistan, 2018, [url](#), pp. 8, 10, 11

<sup>583</sup> CODE Pakistan, Afghan refugees in Pakistan-The Road Ahead, November 2019, [url](#), p. 42

<sup>584</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 28; see also Ali, F. et al., Labour market inclusion of Afghan refugees in Pakistan through Bourdieu's theory of capital, 24 August 2021, [url](#), pp. 12-13; Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>585</sup> Mielke, K. et al., Figurations of displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 36; see also Daily Times, Woes of Afghan refugees and businessmen, 3 December 2019, [url](#)





elementary or intermediate education and skills were for example found to work as teachers at *madrassas* or private schools or for local NGOs. Others ran ‘mobile phone and repair shops’, worked as ‘managers in fisheries’ or ‘engaged in the carpet manufacturing business as well as property and car dealers inside camps’.<sup>586</sup>

In its Livelihood Strategy (2018-2021), UNHCR noted that Afghan refugees are confronted with barriers such as low education and technical skills to access ‘higher-level positions’ in the employment market.<sup>587</sup> The study by Mielke and other researchers further found ‘distrust from private sector employers of the host community as well as increasingly hostile host community behaviour’ to pose additional barriers to employment.<sup>588</sup> The risk of being exploited by employers, for example through delayed or low salary payment, unpaid and forced overtime or work under unsafe conditions posed further obstacles.<sup>589</sup> In a paper published in November 2020 based on interviews with 590 Afghan refugees in Pakistan, Asif Javed and co-authors stated that 57 % of the respondents found it difficult to get employed. The respondents identified a lack of education/qualification and skills as the main reason for the difficulties. Other obstacles they identified for getting employed were a lack of transportation and discrimination against refugees.<sup>590</sup>

In its January 2022 country report on Pakistan, the Australian DFAT stated that PoR cardholders can open bank accounts.<sup>591</sup> According to the newspaper The News International, the Pakistani government allowed for PoR card holders to open bank accounts as of February 2019 (see section [3.3.4 Access to financial and communications services](#)). Prior to the decision, they faced problems due to the absence of a bank account when they established a business. They had to use the names of their local employees for bank purposes and avoided large financial transactions. However, Afghans without PoR cards were still not allowed to open bank accounts, ‘because they are considered illegal undocumented immigrants’.<sup>592</sup> The Business Recorder stated in an article on 13 August 2021 that the new Alien Registration Card (ARC) launched by the government of Pakistan is supposed to facilitate the opening of a bank account and the starting of a business for ‘thousands of Afghan refugees’ among others.<sup>593</sup> As UNHCR explained, this announcement relates to the ‘National Database and Registration Authority (Alien Registration Card) Rules, 2021’, approved by the Federal Cabinet in February 2021. The rules provide that foreigners intending to stay in Pakistan for a certain minimum period must register as ‘Aliens’. The cards would have a validity of five years and would be extendable. The new rules however do not apply to the Afghan nationals’.<sup>594</sup> According to the respondents of the study co-authored by Asif Javed and colleagues, to them other primary

<sup>586</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 17, 18; see also Shah, Z., Labour Rights in Pakistan, 2020, [url](#), p. 240

<sup>587</sup> UNHCR, Pakistan: Livelihoods Strategy (2018–2021), 10 February 2020, [url](#), p. 10; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>588</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>589</sup> Ali, F. et al., Labour market inclusion of Afghan refugees in Pakistan through Bourdieu's theory of capital, 24 August 2021, [url](#), pp. 10, 15; see also Shah, Z., Labour Rights in Pakistan, 2020, [url](#), pp. 222-223

<sup>590</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), pp. 10-12

<sup>591</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 21

<sup>592</sup> News International (The), Permission for bank accounts helps boost Afghan refugees' businesses, 1 June 2019, [url](#); see also Khan, M.A., Pakistan's urban refugees: steps towards self-reliance, February 2020, [url](#), p. 50

<sup>593</sup> Business Recorder, Alien Registration Card will facilitate inclusion in economy: PM Imran, 13 August 2021, [url](#)

<sup>594</sup> UNHCR, email, 15 March 2022



obstacles for starting a business or expanding their business were a lack of access to credit, difficulties in the business registration process and security concerns related to violence or robbery.<sup>595</sup>

The primary income source of two-thirds of the 299 respondents of the survey conducted by Mielke and other researchers was self-generated through largely informal arrangements. 17 % of the survey respondents 'primarily depended on salary from employment or pay from or other kinds of (also temporary) work'.<sup>596</sup> 47 % of the respondents of the survey had work at the time of the survey. As for the respondents' legal status, 48 % of the Afghan refugees with a temporary residency and 32 % of unregistered Afghans were employed or self-employed.<sup>597</sup>

In 2016, Daily Times stated that Afghan refugees in Peshawar in the province of Khyber Pakhtunkhwa had set up businesses in the gem sector<sup>598</sup> and a 2017 article of the Express Tribune reported that they had also set up businesses in antiques and handicrafts in that region.<sup>599</sup> Respondents of the study of Asif Javed and other researchers published in 2020 who ran their own businesses were engaged in the leather sector as well as in carpetry and jewellery.<sup>600</sup>

There have been complaints in 2016 from the Afghan refugee community in Peshawar that the businesses in the gem sector deteriorated because of the repatriation policy of the Pakistani government.<sup>601</sup> Similarly, the Express Tribune reported in 2017 on the toll of military operations in the region and the repatriation policy on the antiques and handicrafts market in Peshawar, which was mainly led by Afghans.<sup>602</sup>

The newspaper Dawn reported in November 2019 that a petition was filed to address the regulation of activities of the Afghan refugees in Pakistan. The Peshawar High Court (PHC) stated in its verdict that the refugees 'couldn't be allowed to conduct businesses in the country without authorisation by the relevant quarters'. As reported by Dawn, the PHC further stated that it had no jurisdiction and could only refer the issue to the relevant federal authorities.<sup>603</sup>

According to a February 2020 paper by Muhammad Abbas Khan, the Commissioner of CAR in the province of Khyber Pakhtunkhwa, gemstone trading, which 'is primarily run by Afghan traders based in the city of Peshawar', makes up a major part of the country's export activity. Furthermore, more than 70 % of the carpet weaving sector in Khyber Pakhtunkhwa is run by

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<sup>595</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), pp. 10-12

<sup>596</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 18

<sup>597</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 10, 17

<sup>598</sup> Daily Times, Gemstones business in Pakistan in doldrums as Afghan traders forced to repatriate, 4 October 2016, [url](#)

<sup>599</sup> Express Tribune (The), Peshawar's antiques and handicrafts business slumps with Afghan refugees' departure, 23 September 2017, [url](#)

<sup>600</sup> Javed, A. et al., Socio-economic Inclusion of Afghan Refugees in Pakistan, November 2020, [url](#), p. 11

<sup>601</sup> Daily Times, Gemstones business in Pakistan in doldrums as Afghan traders forced to repatriate, 4 October 2016, [url](#)

<sup>602</sup> Express Tribune (The), Peshawar's antiques and handicrafts business slumps with Afghan refugees' departure, 23 September 2017, [url](#)

<sup>603</sup> Dawn, PHC asks govt to restrict activities of Afghans, 30 November 2019, [url](#)



Afghan refugees.<sup>604</sup> Khan mentioned that the carpet weaving industry suffered from repatriation programmes, which led to a reduction of carpet production by 5 %.<sup>605</sup>

### 3.3. Access to services

#### 3.3.1. Access to documents

For information on PoR cards, ACCs, asylum-seeker certificates, family information certificates as well as on the campaign announced in 2021 regarding the issuance of alien cards, please see sections [2.1 Registered Afghan refugees \(PoR cardholders\)](#) and [2.2 Unregistered Afghans](#).

Birth certificate, proof of birth document and other types of proof of birth

Birth certificates can be issued by local government entities (Union Councils), the NADRA or hospitals. Hospitals automatically issue birth certificates to children born in hospitals regardless of nationality. At the same time, ‘no central database exists and no automatic registration process captures the many babies who are not born in hospital’. Although birth registrations are technically obligatory, numerous births in the country (not restricted to Afghan children) are not registered.<sup>606</sup>

The NADRA-run PoR card modification (PCM) centres [and mobile registration vans (MRVs)]<sup>607</sup> are responsible for registering births and issuing birth certificates to children of registered refugees<sup>608</sup> under the age of 18.<sup>609</sup>

Birth certificates record the child’s legal identity and secure their rights. As UNHCR specifies, registering a refugee child’s birth (and thus obtaining a birth certificate) serves as proof of the child’s legal identity, age, sex and citizenship and is a requirement for accessing schools, employment, legal marriage as well as public services including medical aid.<sup>610</sup>

To register a child (up to age five)<sup>611</sup> at a PCM centre, it is necessary for the refugee parent to provide a so-called ‘proof of birth document’ (see further below in this subsection) and the parent’s original PoR card (photocopies not being accepted). Upon registration of their child, the parents are issued an official birth certificate ‘on the same day’, according to UNHCR. Birth

<sup>604</sup> Khan, M.A., Pakistan’s urban refugees: steps towards self-reliance, February 2020, [url](#), p. 50

<sup>605</sup> Khan, M.A., Pakistan’s urban refugees: steps towards self-reliance, February 2020, [url](#), p. 50; see also News International (The), [Afghan refugees: what does the law say?, 14 July 2021, url](#)

<sup>606</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 45

<sup>607</sup> Pakistan, CAR Punjab, Frequently Asked Questions, n.d., [url](#)

<sup>608</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 1

<sup>609</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September 2020), 29 October 2020, [url](#), p. 1

<sup>610</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 1; see also Pakistan, CAR Khyber Pakhtunkhwa, Peshawar, Proof of Registration Card Modification (PCM) Centres, n.d., [url](#)

<sup>611</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September 2020), 29 October 2020, [url](#), p. 1



certificates can be issued to all Pakistan-born Afghan children under the age of 18 who have been registered with NADRA in the past but have not yet obtained a birth certificate.<sup>612</sup>

A proof of birth document is a paper confirming the child's birth and can be obtained either from the healthcare facility where the child was born or from a certified health attendant (Government-trained midwife or female health worker) who was present during the child's birth and who should fill in the birth information (the child's date and place of birth, sex, and the parents' names) and sign the paper. Other types of proof of birth include a birth notification issued by Basic Health Units (BHUs) in refugee villages or a vaccination card [i.e. a WHO EPI (Expanded Programme on Immunisation) card issued by BHUs] or medical prescriptions. These documents are accepted at the PCM centres in lieu of the above-mentioned proof of birth document from the health facility or health attendant.<sup>613</sup>

In an overview dated 15 January 2016, the CAR of Khyber Pakhtunkhwa province pointed to 'a lack of awareness among the refugee population' of the significance and procedures of registering children of PoR holders (up to age five) and obtaining birth certificates. This has been identified as one of the key main reasons for the 'large gap' existing in the registration of Afghan refugee children's births.<sup>614</sup> According to UNHCR data covering the first three quarters of 2020, the gap between births effectively registered during this nine-month period and the country-wide target of 25 000 births to be registered during the whole year of 2020 amounted to 69 % in Balochistan, 70% in Khyber Pakhtunkhwa, 55 % in Punjab and 16 % in Sindh province. During the same period, almost no birth certificates were issued. However, this period in 2020 included a six-month suspension of PCM operations due to COVID-19 (from late March into the second half of August 2020), and between mid-August and end of September 2020, the number of birth registrations increased significantly.<sup>615</sup> More recent information on trends in birth registrations could not be identified within the time constraints of this report.

### Marriage certificate

There are no specific provisions in Pakistani legislation that authorise civil or common law marriage<sup>616</sup> and marriages are therefore 'registered and performed according to a person's religious group'.<sup>617</sup> In order to marry legally, a birth certificate is required.<sup>618</sup> Marriage certificates for Muslims (*nikah nama*) are issued by a *nikah* registrar (i.e. person who is

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<sup>612</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), pp. 1-2

<sup>613</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), pp. 1-2

<sup>614</sup> Pakistan, CAR Khyber Pakhtunkhwa, Peshawar, Proof of Registration Card Modification (PCM) Centres, n.d., [url](#)

<sup>615</sup> UNHCR, Pakistan: Afghan Refugees Registration Update (1 January – 30 September 2020), 29 October 2020, [url](#), pp. 1-2

<sup>616</sup> USDOS, Country Report on Religious Freedom 2020 - Pakistan, 12 May 2021, [url](#), p. 8

<sup>617</sup> Canada, IRB, Pakistan: Information on marriage registration, including mixed marriages, 14 January 2013, [url](#)

<sup>618</sup> UNHCR, Frequently Asked Questions: Services Available at the Proof of Registration Card Modification (PCM) Centres, April 2021, [url](#), p. 1



authorised to register marriages) and subsequently ‘registered with a local Union Council, where an original copy of Nikah Nama is kept as public record’.<sup>619</sup>

In November 2019, the Swiss Refugee Council quoted an expert on the situation of Afghans in Pakistan saying that the *nikah nama* serves as proof of marriage for any Muslim couple in Pakistan and can thus be obtained by Afghans as well.<sup>620</sup> Meanwhile, the Swiss Refugee Council quoted another expert as saying that having a national ID number, and therefore Pakistani citizenship, was a prerequisite for obtaining a *nikah nama*, although (s)he was aware of persons of Afghan origin who have been issued a *nikah nama* although they were not holding Pakistani citizenship. According to this expert, it may indeed well happen that a *nikah nama* is issued to a couple without prior verification of their identity and legal status. Moreover, Afghan couples often register their marriage by way of paying bribes, according to this source.<sup>621</sup>

As Mielke and her co-authors noted in their August 2021 academic paper on Afghans in Pakistan, ‘non-registration of a marriage can result in severe legal consequences and exploitations’, including for women with regard to remarriage and inheritance issues.<sup>622</sup>

### Driving license

Sources indicate that Afghans living in Pakistan are not legally allowed to obtain a driving licence<sup>623</sup> and that a national identity card (a CNIC or SNIC) is required to obtain a driving licence.<sup>624</sup> Liaqat Banori of SHARP stated in an interview with Cedoca on 16 February 2020 that it was not possible for PoR cardholders and ACC holders to obtain a driving licence.<sup>625</sup> In a March 2022 email response, Mudassar M. Javed (also SHARP) added that ‘there is no official regulation regarding the issuance of a driver’s license to refugees’, partly due to the validity period of the driving licence: while PoR cards are only valid for two years, a driving licence has a validity of five years. Although UNHCR was engaging with GoP officials on this matter, Mudassar M. Javed estimated this to be ‘a lengthy procedure that will take time’. Also, with the Taliban takeover in Afghanistan and the influx of Afghans into Pakistan, ‘priorities have shifted, which is why there has been a delay in such affairs’.<sup>626</sup>

### School certificate

As the ADSP noted in its June 2019 report, UNHCR and relevant schools issued PoR cardholders’ educational documentation such as school enrolment certificates, school leaving

<sup>619</sup> Canada, IRB, Pakistan: Information on marriage registration, including mixed marriages, 14 January 2013, [url](#)

<sup>620</sup> Swiss Refugee Council, Pakistan: certificat de mariage Nikah Nama et accès à la citoyenneté pakistanaise pour les réfugiés afghans nés au Pakistan, 20 November 2019, [url](#), p. 4

<sup>621</sup> Swiss Refugee Council, Pakistan: certificat de mariage Nikah Nama et accès à la citoyenneté pakistanaise pour les réfugiés afghans nés au Pakistan, 20 November 2019, [url](#), p. 4

<sup>622</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 38

<sup>623</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 22-23; Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>624</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 45

<sup>625</sup> Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020

<sup>626</sup> Javed, M.M., email, 3 March 2022



certificates and results cards. At the same time, UNHCR did not provide any education documentation to ACC holders or undocumented Afghans. Private schools, however, issued ‘certificates to all their students including ACC holders’ and those local schools that accept undocumented Afghans ‘may also issue some documentation to them’, according to this source.<sup>627</sup> Meanwhile, the New York Times in December 2021 reported about an Afghan refugee school in Karachi whose certificates had not been recognised by the Pakistani authorities although the school was registered with the Afghan Ministry of Education.<sup>628</sup>

### National identity cards

The NADRA states that national identity cards are only issued to Pakistani citizens above the age of 18.<sup>629</sup> DFAT notes that ‘NADRA continues to refuse to issue identity cards’ to Pakistan-born children of Afghan refugees.<sup>630</sup> For further information on the question of issuance of national ID cards to Afghan refugee children born in Pakistan, see section [1.3.2 Access to Pakistani citizenship](#).

Meanwhile, there have been reports in the Pakistani media in the past that Afghan refugees obtained Computerised National Identity Cards (CNICs) through informal means. In September 2018, the newspaper the Express Tribune reported that the chairman of the NADRA stated that there were Afghan nationals who obtained CNICs by pretending they were family of Pakistani citizens. These cards were blocked by NADRA.<sup>631</sup> More recently, in January 2021, Pakistan’s Interior Minister announced that as many as 200 000 CNICs had been cancelled as they had been obtained by Afghan citizens through illicit means such as presenting forged birth certificates.<sup>632</sup>

## 3.3.2. Access to Healthcare

According to the June 2019 ADSP report, all Afghans living in Pakistan (including PoR cardholders, ACC holders and undocumented Afghans) had access to health services at primary, secondary and tertiary level hospitals.<sup>633</sup> Mielke and her co-authors similarly noted that overall, Afghans in Pakistan (including undocumented persons) had ‘adequate access to healthcare’, with around 91 % of a total of 299 Afghan respondents of a survey conducted between October 2020 and March 2021 indicating that they were able to access a hospital or other healthcare providers the last time they were in need of medical services.<sup>634</sup>

At the same time, free access to healthcare services has been tied to Afghans’ registration status.<sup>635</sup> Thus, as UNHCR and the Global Compact on Refugees reported in December 2021, registered Afghan refugees (PoR cardholders) were entitled to access to Pakistan’s healthcare

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<sup>627</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 20

<sup>628</sup> New York Times (The), Born and Raised in Pakistan, but Living in Legal Limbo, 28 December 2021, [url](#)

<sup>629</sup> Pakistan, NADRA, National Identity Card (NIC), n.d., [url](#)

<sup>630</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 45

<sup>631</sup> Express Tribune (The), Afghans obtained CNICs by fraud: NADRA chief, 3 September 2018, [url](#)

<sup>632</sup> Dawn, 200,000 CNICs fraudulently obtained by Afghans cancelled, 3 January 2021, [url](#)

<sup>633</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 26

<sup>634</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 4, 5, 19

<sup>635</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20





system ‘on a par’ with Pakistani citizens.<sup>636</sup> ACC holders also had access to the same services as PoR cardholders.<sup>637</sup> According to an undated overview by UNHCR, registered Afghan refugees have been included in government health programmes such as immunisation campaigns, tuberculosis (TB) control, and HIV prevention and treatment. Moreover, women refugees residing in refugee villages reportedly had ‘good access’ to reproductive health services mainly thanks to health facilities being located inside the villages.<sup>638</sup> A September 2020 article by Médecins Sans Frontières (MSF), however, observed that Afghans (without specification of their legal status or place of residence) had ‘very few options for good quality, free maternal and newborn healthcare’.<sup>639</sup> Most recently, in January 2021, UNHCR noted that health needs among Afghans (both refugees and those of other legal status) were high, ‘particularly related to maternal, new-born and child health, as well as reproductive health’, and that ‘access to adequate quality and equitable health care’ remained ‘a major concern’.<sup>640</sup> At the same time, Mielke and her co-authors noted that Afghans’ legal status barely made any difference in their ability to access healthcare because the underfinanced, overburdened state of the country’s public health system affected Afghans and Pakistanis alike.<sup>641</sup>

For undocumented Afghans, access to healthcare has been described by ASDP to be ‘not as good’ as for those holding PoR cards or ACCs. While undocumented Afghans were ‘provided with consultations at public healthcare facilities, they were obliged to purchase medicines from the market.’<sup>642</sup> As Mielke and her co-authors observed in their August 2021 academic paper, Afghans were accumulating savings for emergency medical treatments, which indicated that there were ‘still multiple hurdles that Afghans face in reality when it comes to receiving adequate health care’. However, the same source noted that it is not legal status but the financial situation of an ill individual that determines whether they will get proper treatment’. However, most undocumented Afghans surveyed by Mielke and her co-authors indicated that while ‘they were treated at a hospital the last time they needed to’, it was common practice for these Afghans to ‘borrow PoR cards or ACCs to enter public health facilities’.<sup>643</sup>

According to an expert quoted by Mielke and her co-authors, public healthcare facilities in Pakistan were affected by ‘a lack of public finance and resources’, and the medical needs of Afghan refugees were ‘never budgeted into plans’. Similarly, another expert quoted in the same paper noted that the country’s health system was already overstretched by the health necessities of Pakistani citizens’ alone. This is reflected by Afghans (and Pakistanis who are unable to afford private healthcare) experiencing long waiting times, absent doctors and patients being requested to buy medicine themselves, for example. As a consequence, some Afghans have turned to private healthcare providers, e.g., for the treatment of chronic kidney

<sup>636</sup> UNHCR and Global Compact on Refugees, Afghan Refugee Situation, 12 December 2021, [url](#); see also Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>637</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 26

<sup>638</sup> UNHCR Pakistan, Health, n.d., [url](#)

<sup>639</sup> MSF, Meeting regular health needs amid the COVID-19 pandemic in Pakistan, 8 September 2020, [url](#)

<sup>640</sup> UNHCR, Afghanistan Situation Regional Refugee Response Plan 2022, 12 January 2022, [url](#), p. 29

<sup>641</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 19-20

<sup>642</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 26

<sup>643</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 19-20





issues, including with financial support from ‘economically stable’ Afghan community members.<sup>644</sup>

With the outbreak of COVID-19, the GoP announced in early April 2020 that they would hand out a ‘special relief package’ to Afghans ‘despite financial difficulties faced by the country’.<sup>645</sup> Later, Pakistan’s National Command and Operation Centre (the entity responsible for the country’s COVID-19 response) approved the inclusion of Afghans with PoR cards and other foreigners into the nation’s COVID-19 vaccination programme. The first Afghan refugees received their first vaccine dose by early May 2021.<sup>646</sup> Around the same time, Anadolu Agency (AA) reported that apart from persons with refugee status, only Pakistani citizens and foreigners with CNICs were allowed to receive COVID-19 vaccinations. Undocumented Afghans would therefore not be able to get vaccinated against the virus as they do not hold Pakistani ID documents. The same also applied to significant numbers of Pakistani citizens, particularly those who were living in rural areas and were yet to obtain a CNIC, the head of the Pakistan Medical Association (PMA) was quoted as saying.<sup>647</sup> However, in early August 2021, the Sindh Health Department announced that in Karachi, all persons (mainly undocumented refugees, including Afghans) without CNICs were now eligible to receive COVID-19 vaccines ‘after on-the-spot biometric registration at the Mass Vaccination Centres in the city’.<sup>648</sup>

In November 2021, following the Taliban takeover in Afghanistan, the Prime Minister announced that his government would ‘provide free COVID-19 vaccines to all Afghans travelling across the border’ into Pakistan.<sup>649</sup> However, in March 2022, Pakistani journalist and researcher Zia Ur Rehman noted that recent interactions with undocumented Afghans in Karachi revealed that ‘most of them could not receive vaccines and relief packages during the lockdowns’.<sup>650</sup>

### 3.3.3. Housing, land and property rights

According to the January 2022 DFAT report, a Pakistani national identity card (CNIC or SNIC) was required to purchase land.<sup>651</sup> As a result, Afghan citizens, including PoR cardholders, have been reported to have limited rights to purchase and register property in their own name.<sup>652</sup> Thus, as Mielke and her co-authors noted in their August 2021 report, only 3 % of a total of 299 Afghan respondents of a survey conducted between October 2020 and March 2021 said that they owned the place they lived in.<sup>653</sup> Some Afghans therefore relied on Pakistani friends,

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<sup>644</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 20

<sup>645</sup> AA, COVID-19: Afghan refugees in dire need, says Pakistan, 5 April 2020, [url](#)

<sup>646</sup> UNHCR, UNHCR welcomes Pakistan’s inclusion of Afghan refugees in its COVID-19 vaccination programme, 4 May 2021, [url](#)

<sup>647</sup> AA, 3M in Pakistan lacking IDs may miss out on COVID-19 jabs, 22 May 2021, [url](#)

<sup>648</sup> Dawn, Citizens without CNICs eligible for Covid-19 vaccination in Karachi, 2 August 2021, [url](#)

<sup>649</sup> AA, Pakistan vows free COVID-19 vaccination for Afghans at border crossings, 11 November 2021, [url](#)

<sup>650</sup> Rehman, Z.U., Comment made during the review of this report, 29 March 2022

<sup>651</sup> Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022, [url](#), p. 45

<sup>652</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 32; see also ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 25

<sup>653</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 4, 5, 18



neighbours, landlords, employers and others who lent them their national identity cards to purchase property.<sup>654</sup>

Meanwhile, the ADSP indicated in June 2019 that renting houses, land and property for residential and commercial purposes was possible for PoR and ACC holders.<sup>655</sup> The majority of the respondents of the survey conducted by Mielke and her co-authors (78 %) were living in a rented flat or house.<sup>656</sup>

As the ASDP study of June 2019 explains, the rent deed is signed by the landlord and the Afghan tenant.<sup>657</sup> Noor Habib, an Afghan refugee (PoR holder) living in Pakistan since 1979, explains that Afghan refugees first need to approach a real estate agent, who will give them a form which they need to fill in and sign in the presence of a government official. They need two Pakistanis who can bail them out (two CNICs must be attached with the form) and then they have to go to the police station and answer questions.<sup>658</sup> The deed is registered at the police station which processes it and returns it to the landlord. It is written on a judicial stamp paper. However, according to the ADSP report, Afghans are unable to obtain the judicial stamp paper as they do not hold CNICs. It is therefore a widespread practice for these transactions to be conducted in the name of a Pakistani citizen. As the ADSP notes, this 'creates additional risks for Afghans to enforce their property rights' and 'landlords usually charge higher rents from Afghans as compared to Pakistani nationals'.<sup>659</sup> According to Mielke and her co-authors, the rents lower- and lower-middle class Afghan survey respondents paid for flats and houses averaged 12 500 Pakistani rupees a month (ca. EUR 63).<sup>660</sup> Those who rented legally were turning towards the outskirts of cities or poorer neighbourhoods. However, even for those, utility bills amounting to at least 10 000 Pakistani rupees [ca. EUR 50]<sup>661</sup> were becoming a growing burden.<sup>662</sup>

Undocumented Afghans have limited access to housing.<sup>663</sup> When trying to get access to housing and property, they are vulnerable to exploitation.<sup>664</sup> As Mielke and her co-authors noted, a regulation of the Punjab provincial government 'punishes landlords who rent out to undocumented Afghans unless the Afghans provide an affidavit to the police, which can only be approved with proof of registration as PoR card- or ACC-holder'.<sup>665</sup>

<sup>654</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 32

<sup>655</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 25

<sup>656</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 4, 18

<sup>657</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 25

<sup>658</sup> Habib, N., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020

<sup>659</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 25

<sup>660</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>661</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>662</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), pp. 18-19

<sup>663</sup> FP, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021, [url](#)

<sup>664</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 25

<sup>665</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 19



Large numbers of Afghans have little access to formal housing and live in *katchi abadis* (informal settlements) where they lack housing security, a study of Refugees in Towns found in September 2019.<sup>666</sup> According to information provided by Liaqat Banori in February 2020 (and confirmed to be valid as of early March 2022)<sup>667</sup>, when Afghan refugees live in urban settlements, they are mostly living in *katchi abadis*.<sup>668</sup> For example, in Islamabad, they are living in those side areas of the city where most of the settlements are broken down. It is not possible to have a good quality of life there, according to the source.<sup>669</sup> Meanwhile, as Mielke and her co-authors note, for low-income Afghans, squatting in *katchi abadis* – or on government land – is ‘only a choice if they opt for it collectively to ensure the greatest extent of physical security they can hope for, e.g., in camps or camp-like settlements’. Moreover, government land and property rented by the authorities to shelter refugees has become highly contested as due to increasing land prices.<sup>670</sup>

As the Express Tribune reported in October 2021, rent prices in Peshawar (Khyber Pakhtunkhwa province) had risen to an ‘all time high’ following the influx of Afghans after the withdrawal of US forces from Afghanistan. According to an Afghan resident, the monthly rent for a two-room flat was as much as 35 000 Pakistani rupees (ca. EUR 175)<sup>671</sup> while five-bed flats cost more than 45 000 Pakistani rupees (ca. EUR 225)<sup>672</sup> a month.<sup>673</sup>

### 3.3.4. Access to financial and communications services

#### Bank accounts

According to a November 2021 report by the Sustainable Development Policy Institute (SDPI), PoR cardholders have the right to open bank accounts.<sup>674</sup> This became possible when in February 2019, Prime Minister Imran Khan announced that he had issued ‘instructions [...] that Afghan refugees who are registered can open bank accounts’<sup>675</sup> and the State Bank of Pakistan (SBP) issued a statement saying that PoR cards would be accepted by the banks as a valid identity document in order to open a bank account.<sup>676</sup> As of late August 2021, 5 280

<sup>666</sup> Refugees in Towns, Cities for Children: A Case Study of Refugees in Towns Islamabad, Pakistan, September 2019, [url](#), pp. 10, 13

<sup>667</sup> Javed, M.M., email, 3 March 2022

<sup>668</sup> Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 19

<sup>669</sup> Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020

<sup>670</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 19

<sup>671</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>672</sup> Exchange rates from European Commission, Exchange rate (InforEuro), n.d., [url](#), accessed on 7 March 2022

<sup>673</sup> Express Tribune (The), Rents soar in Peshawar with refugee influx, 24 October 2021, [url](#)

<sup>674</sup> SDPI, Understanding the Life of Afghans in Pakistan: Self-perception of Refugees, November 2021, [url](#), p. 22; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 36; Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>675</sup> Khan, I., [Twitter], posted on: 25 February 2019, [url](#)

<sup>676</sup> SBP, BPRD Circular Letter No. 02 of 2019, 28 February 2019, [url](#)



accounts of PoR cardholders had been opened, Pakistan's Daily Times newspaper reported.<sup>677</sup>

However, the SDPI noted that despite this change in policy, many banks were reluctant to open bank accounts for Afghans.<sup>678</sup> Moreover, Mielke and her co-authors pointed to restrictions in the new bank account regulation, such as the fact that bank accounts held by Afghan refugees expire with the expiration of their PoR cards. Also, there is no mechanism allowing an account holder's family members to withdraw money from the account in the event of the account holder's death.<sup>679</sup> Applying for a bank card has been described by the SDPI as a 'difficult process as it requires a Pakistani guarantor'.<sup>680</sup>

The SDPI report informed that in the case of Afghan refugees, the following documents are required in order to open a bank account:

- A valid PoR card as proof of identity document; prior to opening an account, banks must verify the cardholder's identity through the NADRA biometric verification system.
- Where possible, a documentary proof of source of income or expected credit in transaction.
- If no such proof of income is provided, then the source of income is examined by a visit to the applicant's home or business location.
- A copy of a previous bank statement from a Pakistani or foreign bank no older than six months.
- Utility bill, rental contract etc.
- A reference from a Pakistani citizen.<sup>681</sup>

ACC holders and undocumented Afghans, meanwhile, are not allowed to open bank accounts, according to the June 2019 study by ADSP.<sup>682</sup>

### Mobile SIM cards

According to the information found dating from June 2019, ACC holders and undocumented Afghans were not allowed to own a SIM card.<sup>683</sup> At the same time, a November 2021 report states that PoR cardholders have the right to buy mobile SIM cards.<sup>684</sup> Being prohibited from owning SIM cards, Afghans without PoR cards have been reported to seek other solutions such as obtaining a SIM card on another person's name, borrow mobile phones from an acquaintance or use SIM cards issued by mobile service providers based in Afghanistan, according to the ADSP study.<sup>685</sup>

<sup>677</sup> Daily Times, 5,280 accounts of POR card holders opened, 27 August 2021, [url](#)

<sup>678</sup> SDPI, Understanding the Life of Afghans in Pakistan: Self-perception of Refugees, November 2021, [url](#), p. 22

<sup>679</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 36

<sup>680</sup> SDPI, Understanding the Life of Afghans in Pakistan: Self-perception of Refugees, November 2021, [url](#), p. 22

<sup>681</sup> SDPI, Understanding the Life of Afghans in Pakistan: Self-perception of Refugees, November 2021, [url](#), p. 45

<sup>682</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 27

<sup>683</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 27

<sup>684</sup> SDPI, Understanding the Life of Afghans in Pakistan: Self-perception of Refugees, November 2021, [url](#), p. 22; see also Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 36; Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>685</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 27



According to the own experience of Noor Habib, as reported to Cedoca in an interview on 20 February 2020, it is possible to obtain a SIM card with an Afghan passport and Pakistani visa or with a PoR card. If the visa on the passport is not valid anymore, the SIM card is blocked. Also, as regards the PoR card, when the validity is expired the SIM card is blocked. After the extension of the PoR card and when a notification of the extension is provided, the Telecom company checks it and unblocks the SIM card.<sup>686</sup>

### 3.3.5. Access to legal aid

A January 2020 academic paper co-authored by Ferreira and other researchers stated that PoR cardholders had the right to a fair trial.<sup>687</sup> Legal aid, e.g. to Afghans caught by police without valid proof of registration, is provided by a number of local NGOs and international organisations, including EHSAR Foundation, Paidar Development Organization (PDO), Strengthening Participatory Organization (SPO), SHARP and the United Nations Development Programme (UNDP). While these organisations offer legal aid across all of Pakistan's four provinces and Islamabad, they 'most exclusively help registered Afghans'.<sup>688</sup>

As of January 2022, UNHCR was operating nine Advice and Legal Aid Centres (ALACs).<sup>689</sup> These centres were providing free legal aid to persons of concern (PoR holders) in the country's main refugee-hosting areas. Eight ALACs were operated by UNHCR's partner SHARP in Sindh, Khyber Pakhtunkhwa, Punjab and the Islamabad Capital Territory, while one centre, located in Balochistan, was operated by the Society for Empowering Human Resource (SEHER), another UNHCR partner.<sup>690</sup> Activities of ALACs included legal interventions at police stations to secure the release of refugees who have been arrested or detained based on their legal status,<sup>691</sup> court representation, out-of-court legal assistance and legal counselling<sup>692</sup>.

Liaqat Banori, stated in an interview on 16 February 2020 during a fact-finding mission of Cedoca that SHARP is a registered organisation working for the protection of refugees as a partner of UNHCR since 1999 and helps registered Afghan refugees with legal issues related to harassment, documentation, property issues, family issues and financial issues by legal assistance and through court representation.<sup>693</sup> However, SHARP does not intervene 'in criminal matters when the refugee is involved as the offender' as this is not part of the organisation's mandate.<sup>694</sup>

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<sup>686</sup> Habib, N., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020

<sup>687</sup> Ferreira, N. et al., Governing protracted displacement, TRAFIG working paper no. 3, 31 January 2020, [url](#), p. 33

<sup>688</sup> Mielke, K. et al., Figurations of Displacement in and beyond Pakistan, TRAFIG working paper no. 7, August 2021, [url](#), p. 13

<sup>689</sup> UNHCR, Pakistan Country Factsheet (January 2022), 14 January 2022, [url](#), p. 3

<sup>690</sup> UNHCR, Pakistan: Legal Assistance and Aid Programme Update (1 January – 31 October, 2020), 30 November 2020, [url](#), p. 1

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<sup>692</sup> UNHCR, Pakistan: Legal Assistance and Aid Programme Update (1 January – 31 October, 2020), 30 November 2020, [url](#), p. 2

<sup>693</sup> Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020

<sup>694</sup> Javed, M.M., email, 3 March 2022



Non-PoR cardholders are obliged to cover the expensive costs of litigation themselves, as the June 2019 ADSP report notes. ‘This is one of the reasons they do not seek recourse in courts and chose instead to have their matters settled through Alternative Dispute Resolution’,<sup>695</sup> which may involve processes such as negotiation, conciliation, mediation, and arbitration.<sup>696</sup>

Mielke and her co-authors noted that one NGO, the Human Rights Alliance (HRA), provided legal assistance to undocumented Afghans. However, this organisation’s focus was on Karachi and Sindh province.<sup>697</sup>

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<sup>695</sup> ADSP, On the margins: Afghans in Pakistan, 26 June 2019, [url](#), p. 21

<sup>696</sup> Hassan, A. and Malik, D.M., Status of ADR in Existing Laws of Pakistan: A Brief Study, 2020, [url](#), p. 264

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## Annex 2: Terms of Reference

The terms of reference were drafted by EUAA in consultation with the COI Specialist Network on Pakistan.

The content of the report should contain information on the following topics:

- Description of History/demography/law
  - History
  - Demography and population size
    - Locations where the Afghan refugees are living
  - Laws and policies towards Afghan refugees
    - Marriage to Pakistani nationals
  - Treatment by the state of Pakistan
    - The Government of Pakistan
    - The police
    - Freedom of movement
    - Treatment by the Pakistan population and armed groups (ISKP and Taliban)
- Description of the Afghan refugee population (registered and unregistered Afghan refugees)
  - Registered Afghan refugees (PoR-cardholders)
  - Undocumented Afghan refugees
  - ACC holders
  - Movement across the border
- Description of the socio-economic situation
  - Possibility of education
  - Possibility of employment
  - Access to basic services: documents, health care, legal advice



