

Background

Afghanistan has experienced unprecedented levels of returns in recent years and, compounded by exponential rises in internal displacement, the situation now constitutes a major humanitarian crisis. Over 720,000¹ Afghans have returned from Iran and Pakistan this year so far and risk joining the almost 2 million internally displaced persons (IDPs) already in the country.² With a worsening security situation and record high civilian casualties, no part of the country is safe. The ongoing drought has affected more than 20 provinces and will affect 2.2 million Afghans, with many severely food insecure and at risk of starvation and 260,000 already displaced as a result.³ A further 930 families from Ghazni province have been displaced in recent weeks following attacks in the provinces' districts. This is against a backdrop of an estimated 6.6 million people in critical need of humanitarian assistance.⁴ One in four Afghans have been displaced and almost every Afghan province has been affected by forced displacement, pointing to an already alarming situation deteriorating even further.

Challenges

Return

Host countries are actively encouraging and even forcing the mass return of Afghan refugees back to Afghanistan. It has become common for countries to use questionable and legally unsound methods to increase returns. In addition, increasingly restrictive immigration policies mean legal avenues to gain some secure statuses are shrinking, forcing many people to return to precarious situations. Many returns are involuntary and it is arguable whether, given the scale of voluntary returns reported, they can be described as free of coercion and respect the principle of non-refoulement, which prohibits the return of anyone to a place where they would face a serious risk of persecution or threat to life. The protection environment for Afghan refugees is quickly shrinking with many reportedly left vulnerable to abuse, further displacement, destitution, and death.

Since 2015, the majority of returns have been from Iran (59%) and Pakistan (41%), with the rest from the EU and UK (0.6%).⁵

Iran: Almost 700,000 Afghans have returned from Iran since the start of 2018, 460,000 of whom are undocumented - that equates to around 12,000 people returning each week.⁶ New reasons for return include increased pressure, intimidation, and harassment from Iranian authorities and the drastic depreciation of the Iranian rial against the US dollar which has diminished economic opportunities and purchasing power, and therefore the ability to survive.

The protection environment for Afghan refugees in Iran is degrading considerably. While the Solutions Strategy for Afghan Refugees includes a priority focus on voluntary repatriation, in reality return is often forced or coerced. There have been many reports that refugees are experiencing human rights violations

¹ [IOM Weekly Situation Report 11-17 November 2018](#)

² [UHCHR & UNOCHA Joint Press Release Sep 2018](#)

³ [WHO Health Cluster Bulletin July 2018](#)

⁴ [Afghanistan: 2018 Humanitarian Response Plan - Mid-Year Review of Financing, Achievements and Response Challenges \(January - June 2018\)](#)

⁵ [Returning to fragility: exploring the link between conflict and returnees in Afghanistan \(Oxfam, 2018\)](#)

⁶ [IOM Weekly Situation Report 16-22 September 2018](#)

and abuse including arbitrary detention, torture, forced labour, high levels of deportation of unaccompanied minors (particularly boys), deportations from hospitals, and minors forcibly recruited into armed opposition groups. There is also great concern over reports that young Afghans (mostly Hazaras) are being recruited to fight in Syria in exchange for promises of permanent residency or citizenship.⁷

Amayesh cards issued in 2003 provide de-facto refugee status to Afghans in Iran however; those arriving after 2003 are not eligible and there is no renewal process for expired cards.⁸

Pakistan: So far, returns from Pakistan have totalled 25,150 in 2018. While this is a significant decrease compared to almost a million who returned during 2016 and 2017, the new Pakistan government has not indicated whether it will continue with previous plans to forcibly repatriate the 1.4 million registered and 2.5 million undocumented Afghans living in the country.⁹ Early enforcement of the policy from 2016-2017 led to widespread abuses against Afghans by Pakistani authorities in what was called a 'campaign of coerced repatriation'. Abuses used to force return included: daily systemic extortion by police, arbitrary arrest and detention, unlawful use of force, deportation threats from Pakistani government officials, police raids on refugee shelters and homes, house demolitions, and the shutting down of Afghan refugee schools and exclusion of Afghan children from state-run schools.¹⁰

The Proof of Registration (PoR) cards provided to registered Afghan refugees in Pakistan will expire on 30 June 2019. Since 2016, short-term 3-6 month extensions were becoming the norm. However, all Afghan refugees arriving after the 2007 round of regularisation are ineligible for PoR cards and are undocumented. Since UNHCR has very limited capacity for processing claims under their Refugee Status Determination procedure, many of these 2.5 million Afghan refugees remain undocumented.

EU and UK: The European Agenda on Migration aims to increase the ability of Member States to return refugees and migrants. Increasing returns and 'readmissions'¹¹ is now a primary objective of the EU and in 2016 the EU-Afghanistan Joint Way Forward was signed, despite wide scale concern that returns were being used as a new mechanism for aid conditionality. The June 2018 EU Summit on Migration reinforced the EU commitment to a 'stronger and more effective' return policy. In response, there has been notable activism in trying to stop the planes facilitating deportations in both Sweden and the UK.

The Joint Way Forward is incorporated in the EU Strategy for Afghanistan and puts pressure on the Afghan Government to accept large numbers of returns even though their capacity to absorb and assist new arrivals is worryingly low. While the Joint Way Forward document is public, its implementation plan is not and there are no figures available on the funding packages referenced in the document. All records of the Joint Working Group on Migration, which is meant to monitor its impact and facilitates its implementation, are confidential.

The number of Afghan asylum applications denied by Member States has risen and deportations of Afghans have nearly tripled. Discrimination against Afghan asylum seekers has resulted in their applications being pushed to the 'back of the queue' and a backlog of more than 160,410 applications were pending at the end of 2017.¹²

It has become increasingly common for Member States and the UK to use the controversial concept of the Internal Protection Alternative (IPA) (or Internal Flight Alternative – IFA) as a basis for denying protection to

⁷ [Afghanistan: no safe country for refugees \(Pro Asyl, May 2017\)](#)

⁸ [Unwelcome guests: Iran's violation of Afghan refugee and migrant rights \(HRW, 2013\)](#)

⁹ In September, Prime Minister Imran Khan said citizenship would be granted to Afghan refugees born in Pakistan however, he has since gone back on his statement following backlash from Pakistani politicians.

¹⁰ [Pakistan coercion, UN complicity: the mass forced return of Afghan refugees \(HRW, 2017\)](#)

¹¹ The EU has begun to use the term 'readmissions' to signify returns and deportations. This has been criticised as a dangerous softening of language.

¹² [The situation of asylum in the EU 2017: Overview \(EASO\)](#)

Afghans. The IPA allows authorities to recognise a person's province of origin is dangerous but rule it reasonable to expect them to live elsewhere in the country upon return. The highly volatile and unpredictable nature of the protracted conflict makes it impossible to know whether a city or region that is stable will remain that way for long. Under such conditions, it cannot reasonably be found that an Afghan person no longer has a fear of persecution or other serious violations upon return, regardless of the location they are returned to. The concept of IPA has no basis in the UN Convention Relating to the Status of Refugees, and in the case of Afghanistan, is not relevant as no part of the country can be considered safe.¹³ In light of updated protection guidelines from UNHCR which conclude that generally speaking there will be no internal protection alternative in Kabul. As a result, Finland recently decided that internal flight to Kabul would only be considered in limited cases and that it is still reasonable to return single men and families with no children.

Some Member States have also sponsored information campaigns in Afghanistan in an attempt to deter migration to the EU. These campaigns have been criticised for failing to provide information about legal routes to the EU, including the right to seek asylum, and are found to be irresponsible in dangerous contexts such as Afghanistan.

The UK Home Office considers all provinces in Afghanistan safe for return and finds it reasonable to return or relocate Afghans to Kabul despite reports from UNAMA that the province has the highest number of civilian casualties. According to 2018 guidance from the Home Office, they also consider the humanitarian situation in Afghanistan has *not* deteriorated to the extent that it presents a real risk of harm.¹⁴ Their guidance on the level of IDPs and rate of destitution in Afghanistan is also out of date, most figures cited are from 2012 or 2016 and grossly underestimate the reality. There is strong evidence that Afghans have been sent back prematurely by the Home Office, before they've had the chance to exhaust all their legal options. There are also serious concerns about Home Office guidelines on the treatment of sexual orientation and identity claims from Afghan asylum seekers.

There is evidence the UK, Norway, and some other Member States are knowingly deporting minors, including unaccompanied minors through either not properly verifying their ages, removing considerations of whether young people will have a caregiver on return, or waiting until minors turn eighteen in order to deny their claim as an adult.¹⁵ Afghans make up the highest number of unaccompanied children in Europe. It is uncommon for child returnees to be provided reintegration plans and on return to Afghanistan, child specific support is rare.¹⁶ Many unaccompanied minors have no legal identity on return which is a barrier to accessing education, health, and other protection services.

Upon return to Afghanistan:

- The top challenges for returnees are security and not having access to food, shelter, land, livelihoods and services. Vulnerable groups such as women, children, persons with disabilities, and minorities are acutely affected.
- Assistance is limited as resources are overstretched and imbalanced (this year 90% of returnees from Pakistan were assisted vs. 3% from Iran).
- Incentives offered by many short-term assistance schemes can encourage return to precarious situations, further compounding the situation of increasing fragility in the country. Cash grants can be a positive contribution when well-managed, received by returnees who are well-informed and able to undertake return in a truly voluntary manner, and is part of longer term and phased assistance (which is currently not possible in most parts of the country).
- The risk of secondary and tertiary displacement is very high (72% of returnees are displaced again upon return).

¹³ [EU migration policy and returns: case study on Afghanistan \(ECRE, 2017\)](#)

¹⁴ [Afghanistan Country Policy and Information Note \(UK Home Office, April 2018\)](#)

¹⁵ [Forced back to danger: asylum-seekers returned from Europe to Afghanistan \(Amnesty International, 2017\)](#)

¹⁶ [From Europe to Afghanistan: Experiences of Child Returnees \(Save the Children, 2018\)](#)

- The absorption capacity of local communities and the labour market is limited, which hampers sustainable reintegration. Concerns are growing that the labour market and local communities are unable to absorb more returnees until security and the economic situation improve. Absorption capacity is currently maintained through a 'patched-up' support structure comprised of improvised family arrangements and humanitarian assistance, both of which are unsustainable. Women's access to employment is still limited with the main barrier being lack of family permission.¹⁷
- Many face individual risk due to increasing insecurity and destitution. Women and children are reported as suffering the most with increases in the number of domestic and women-related violence cases involving returnee families.
- There are clear links between returnees and a build-up of local friction and tension. Tensions among newly displaced people, returnees and host communities can lead to sexual and gender-based violence (SGBV), such as domestic violence and rape. It can also result in forced (child) marriages and forced labour, with contributory causes including depletion of assets, lack of livelihood opportunities, lack of privacy and general uncertainty.
- Those unable of /afraid of returning to their region of origin are worse off.
- Those who have insufficient time to prepare for return are worse off.
- The support of family networks is crucial. It enables people to integrate into communities and recover from the shocks however; those who have lived abroad for a long time often do not have existing networks to rely on. Evidence shows it takes at least six months to build-up enough networks to rent a house and find a job, and having the opportunity to undertake 'go and see visits' to Afghanistan before a full move is made allows families to be better significantly off.
- The Afghan Government has been largely unable to allocate land and this is one of the most critical needs for returnees and IDPs alike to restart their lives.

Internal Displacement

Over 1.9 million people were internally displaced in Afghanistan by the end of 2017. A further 266,000 have been displaced so far in 2018 due to the ongoing drought and this number is expected to rise in the coming months. Provinces with the largest displaced populations, including returnees, are Herat, Kabul, Kandahar, Kunduz, and Nangarhar.

The picture is one of prolonged and multiple displacement and is marked by extreme vulnerabilities. In a recent study, 94% of IDPs surveyed reported fleeing due to conflict, violence, or persecution with three quarters unable to go back to their original home due to insecurity. 72% of returnees report having been displaced twice upon return and a third have been displaced three times. Movement patterns range from families fleeing for short periods to stay with relatives or temporary settlements to de facto permanent camps. People tend to move within the province when possible, usually to urban areas where employment and humanitarian aid are more easily accessible, and keep as close as possible to familiar areas and social networks.

A majority of IDPs are unaware of their rights under the Afghanistan Constitution and National Policy on Internally Displaced Persons. The main ways for IDPs to access assistance is either through emergency humanitarian assistance or registering claims through the Department for Refugees and Repatriation (DoRR). Lack of humanitarian access to insecure and hard-to-reach areas prevents aid reaching the most vulnerable. Funding to these areas is also a challenge, for example in 2016 the Common Humanitarian Fund only allocated 2% for areas not under government control. In addition, the registration process to lodge claims with DoRR is so complex and expensive that it prevents many from receiving aid, especially those outside government-controlled areas. Assistance is also only provided for an initial period and long-term IDPs are often not eligible for assistance. As a result, three quarters of IDP households are not receiving any assistance.

¹⁷ [Returning to fragility: exploring the link between conflict and returnees in Afghanistan \(Oxfam, 2018\)](#)

We are still a long way from ensuring the day-to-day needs of IDPs are being met. While some gains have been made in ensuring better access to drinking water, electricity, sanitation facilities, and legal assistance; food insecurity has risen significantly and negative coping strategies such as reducing food intake, child labour, taking out loans and accumulating debt (and increased instances of child marriage to get out of debt), are on the rise. Access to employment, shelter, and healthcare are very limited, and competition for the former creates tension in host communities. Lack of identity documents prevents children from enrolling in school and parents report that even if the documents were secured tuition fees are unaffordable. Women and girls, particularly those with disabilities, face additional risk as new living conditions lead to increased domestic tensions and violence.¹⁸ In some provinces assistance does not make it to those who are most in need due to political interference in aid distribution and distribution methods often excluding households headed by women and children, and the elderly.

Mental health difficulties are a critical challenge for returnees and IDPs alike, particularly for minors. PTSD, depression, and suicidal thought patterns (also leading to severe drug addiction) are prevalent and often carry stigmatisation and abandonment from families. Barriers to mental wellbeing include a worrying lack of trained professionals (particularly female health care professionals) and infrastructure, and poor access in hard-to-reach areas, with only one mental health hospital in Kabul and only three trained psychiatrists and ten psychologists in the country.¹⁹

BAAG's recommendations to Governments hosting Afghan nationals:

- 1. Governments should continue their commitment towards addressing the underlying causes of conflict and instability in Afghanistan which contribute to forced displacement.**
- 2. Afghanistan is not safe for return. Governments hosting Afghan nationals should immediately stop forcibly returning people and should suspend all returns to Afghanistan until conditions there are stable,** so that people can return to the country in safety and dignity. Sending Afghan women, men and children back to volatile areas will likely only result in more displacement and fragility.
- 3. Governments hosting Afghan nationals should ensure they do not violate non-refoulement, through prioritising human security and protection and taking a rights-based approach to asylum claims, instead of disproportionately concentrating on only increasing numbers of returns.** This should be done by reviewing existing migration policies to ensure they are reflective of the current reality on the ground, are based on accurate information and data, and are underpinned by a human rights approach.
- 4. Care should be taken to ensure voluntary return is truly voluntary and not be used as a facilitating mechanism for deportation.** It should only take place on the basis of full information, go-and-see visits, and informed consent; it should be adequately supported including through monitoring and case management upon return.
- 5. Do not use development and humanitarian aid to leverage increased returns and deportations,** as this undermines development and humanitarian principles, objectives, and efforts in Afghanistan.

Additional recommendations for the Government of Iran

- 1. Revive the Amayesh process for Afghans in and entering Iran and ensure they are able to easily apply, that it is accessible, and fair.**
- 2. Guarantee and provide protection and basic services for Afghan refugees,** in line with international law, and outlaw abuses.

Additional recommendations for the Government of Pakistan

- 1. Guarantee the protection of Afghan refugees** following international obligations and allow undocumented Afghans to apply for PoR cards.
- 2. Ensure PoR cards or other protected status for Afghan refugees are renewed indefinitely or for long periods,** rather than short-term spurts.

¹⁸ [Escaping war: where to next? A research study on the challenges of IDP protection in Afghanistan \(NRC, 2018\)](#)

¹⁹ [Urban displaced youth in Kabul: mental health matters \(Samuel Hall, 2016\)](#)
[Afghanistan country of origin report \(EASO, 2017\)](#)

Additional recommendations to the EU and UK:

1. **European governments including that of the UK should not use the Internal Protection Alternative (IPA)/IFA, especially in the context of Afghanistan.** It is a legally questionable and factually unsound concept and it adds an additional criterion to eligibility for refugee status beyond those foreseen in Article 1A of the Refugee Convention. Other methods used to lower the threshold of protection such as the 'density of danger' calculation should not be used either.
2. **The impact of the Joint Way Forward should be monitored openly and transparently,** including the efforts of the Joint Working Group and the policy's funding packages and implementation by European Union Member States, Afghanistan, communities and individuals, and its impact on fundamental rights.
3. **Ensure fair and effective asylum procedures are being carried out in the best interest of the asylum seeker and establish a high-level of protection,** especially for children and vulnerable groups (including children, women, LGBTQ, Hazara minority group, and those who have not lived in Afghanistan for long periods and have no family or support networks there, or people who have never been there), and that decisions taken are in-line with the highest standards of international refugee law.
4. **End information campaigns in Afghanistan which seek to deter migration** as they do not provide any information about legal routes to other countries or the right to seek asylum.
5. **Improve the data available on return through establishing and funding systemic, long-term monitoring, especially for vulnerable groups.** This would require the development of a common concept, tools, structures, and indicators to measure the success of return and reintegration programmes in Afghanistan.
6. **Ensure Afghan asylum seekers are able to exercise their full rights,** and exhaust all legal options available to them.

BAAG's recommendations for the Afghan Government and international community

1. **Continue supporting the immediate relief needs to those in protracted and long-term displacement – both in camps and within host communities,** as assistance is often only provided on initial displacement which alone is not sufficient, especially in winter.
2. **Support and participate in collective efforts to implement Afghanistan's National Policy on IDPs,** including through increasing reform measures for the Ministry of Refugees and Repatriation (MoRR) and its provincial offices.
3. **Support efforts to reform the Department of Refugees and Repatriations' petition system** so that it is streamlined and works in the interest of IDPs and ensure it helps improve the ability to improve data and analysis on IDPs, record displacement and monitor and respond to it effectively and humanely.
4. **Support the development of a strategy to improve responses to IDPs in hard-to-reach areas,** including insecure areas as more parts of the country continue to fall out of government control. Non-state groups must allow humanitarian access to displacement-affected populations living in their areas so that they are able to access assistance.
5. **Provide multi-year funding to address the priority response needs identified by new and protracted IDPs themselves:** housing/shelter, livelihood opportunities, education, child protection, psychosocial and gender-based violence services for women, and land allocation for both IDPs and returnees.
6. **Raise awareness among IDPs of their rights as outlined in the Constitution and National Policy on IDPs, and how to access them.**
7. **Work to ensure IDPs are not only viewed as a humanitarian concern but also intersect with development.** Development actors need to be brought into the response framework earlier in order to better target longer-term programmes at displacement-affected communities.

8. **Improve local coordination on responding to displacement needs** and with a focus on planning and an assumption of national responsibility. This includes through working towards better linkages between reintegration and development by consulting the development sector and civil society on projects.
9. **Integrate child returnees and policies addressing child returnees** into the national child protection framework.
10. **Ensure protection and principles of Do No Harm are respected in the design and implementation of assistance programmes for IDPs and returnees, so that they do not act as incentives for return to precarious situations.**
11. **Donors contributing funds to reintegration packages should review the effectiveness reintegration packages have on the lives of returnees** and make the findings widely available.
12. **Recognise the challenges of reintegration and make the goals of such programmes realistic and achievable**, admitting where necessary that mid or long term objectives may not be possible under the current security situation.
13. **Ensure assistance efforts include mental health support and treatment**, including through adequately training mental health care professionals (particularly women), and in hard-to-reach areas.