



**PROTECTION FOR FORCIBLY  
DISPLACED AFGHAN POPULATIONS  
IN PAKISTAN AND IRAN  
BRIEFING NOTE**

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## INTRODUCTION

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With 2.5 million registered Afghan refugees between them, Pakistan and Iran,<sup>1</sup> are respectively the second and fifth largest refugee hosting countries world-wide.<sup>2</sup> In addition these two countries host, in total, an estimated undocumented Afghan population of between 2 and 3 million, the majority of whom are likely to have been forcibly displaced.<sup>3</sup> Characterised by cycles of exile, repatriation, deportation and subsequent episodes of re-exile, globally this constitutes both the second largest and one of the world's dominant protracted refugee situations. Given the length of the displacement crisis, the majority of displaced Afghans have been born in exile in Pakistan and Iran.<sup>4</sup>

Both countries have therefore carried an enormous burden over many decades and, despite their own economic and developmental challenges, have made considerable efforts to accommodate the Afghan population and to afford minimum standards of protection.

Against this background, the aim of this briefing note is to describe and provide key stakeholders with an up-to-date overview of the complex legal, governance and policy frameworks for the protection and contingent rights of the Afghan population (including both recognised refugees and other forcibly displaced Afghans without formal protection status), residing in Pakistan and Iran. Based only on a desk study analysis which synthesises available documentation and secondary data, it is important to emphasise that this briefing note has not benefitted from primary data collection, such as interviews with key stakeholders, which would have provided a more detailed and nuanced account of these conditions.

A short contextual overview outlines the common and overriding protection situation in both countries. This is followed by two detailed sections – one for each country – which apply a template to review key protection benchmarks: refugee status determination (RSD), repatriation and deportation, freedom of movement, right to work, and access to education. These benchmarks establish important prerequisites for refugee livelihoods and economic well-being, significant in situations of protracted displacement.

The deteriorating economic<sup>5,6</sup> and security conditions in Afghanistan,<sup>7</sup> with over 1.7 million IDPs, including 500,000 newly displaced in 2017<sup>8</sup> and 30 of Afghanistan's 34 provinces affected by forced displacement, gives added impetus to this briefing note's objective of examining, and where possible indicating how the protection norms and standards in the two main host countries can be safeguarded and developed.

## SETTING THE CONTEXT

### **Government responsibilities for refugee protection:**

In both countries the national government is the responsible authority for all aspects of refugee status determination, registration and protection.<sup>9</sup> However, whilst a common position on return constitutes the backcloth to the briefing paper, the protection frameworks and the protection challenges faced by Afghans within the two countries are mediated by different regimes.



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Iran is party to the 1951 Convention on the Status of Refugees (CSR 1951) and the 1967 Protocol, although the country maintains reservations, discussed in more detail below, in relation to employment, public welfare, labour legislation, social security, and freedom of movement,<sup>10</sup> but not ownership of immovable property.<sup>11</sup> Few Afghans have received refugee status since 1997, and even fewer from 2001, so that those without an official status now outnumber those with refugee status.

Pakistan is not party to the CSR 1951. National refugee legislation drafted in 2013 has yet to be enacted. De facto, refugees are therefore covered by national immigration laws. Distinctions between refugees and undocumented Afghans also exist but are more fluid than is the case in Iran.

### ***Documented and undocumented Afghans:***

The fundamental distinction in both countries between Afghans with refugee status and undocumented Afghans, with limited or no protection and rights (discussed in more detail in the country profiles), raises important questions about the application of international legal and normative standards and recourse to protection – a central theme in this briefing note. Moreover frequent changes to the regulatory instruments, such as re-registrations, withdrawal or modifications of rights and services, increasing service charges and fees, time limited approvals and demanding renewal requirements, emphasise the onerous and challenging nature of the protection environment.

The distinction between documented and undocumented status also brings into focus the entitlements to assistance for which Afghans with different statuses may be eligible from national governments and from international and national humanitarian actors in Iran and Pakistan. There is substantial evidence of precarity amongst both documented and undocumented Afghans,<sup>12</sup> but particularly for the latter category who have no rights to work or freedom of movement, who may be more subject to harassment, the threat of arbitrary arrest and detention and deportation and, until recently, limited or no access to education or health services.

### ***Policies for Afghan repatriation:***

Despite enduring security concerns, recent UNHCR Eligibility Guidelines declaring that Afghanistan is not a safe country for return, and concern by human rights actors about government violations of the principle of *refoulement*,<sup>13</sup> the return of Afghans – whether voluntary or through periodic episodes of deportation – has been the enduring and dominant policy objective of both countries. This is manifest in periodic voluntary repatriation programmes often under the auspices of the UNHCR co-ordinated Solutions Strategy for Afghan Refugees (SSAR) 2012-2018, as well as on-going spontaneous return and episodic deportation.<sup>14</sup>

An impression of the scale of return is evident in the following data. In 2018 over 800,000 undocumented Afghans returned from Iran and Pakistan (767,600, over 95%, from Iran),<sup>15</sup> an increase of almost 200,000 over the 2017 figure of 610,000 returnees (75% of whom returned from Iran).<sup>16</sup> In 2016 more than 1 million documented and undocumented Afghans returned to their country.<sup>17</sup> A particularly troubling statistic is the rise in the number of unaccompanied children deported to Afghanistan doubling from 2,110 in 2015 to 4,419 in 2017.<sup>18</sup>

The policy of return is driven by contrasting economic and political interests. For Pakistan this has been shaped by securitisation concerns and the 'War Against Terror' precipitated by the spill-over of four decades of Afghan conflict, in parallel with pressures on the country's fragile economic and social fabric which has struggled to host such a large exiled population. Similarly in Iran, prolonged financial and economic crisis, in this case precipitated



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by the international trade and investment embargo coincidentally commencing with the initial arrival of Afghan refugees in 1979, as well as the strains caused by the 1980-88 Iran-Iraq war, underpin its firm policy of return.

At the same time it should be recognised that return is not only driven by the political and economic climate in these two countries but also by persistently volatile economic conditions that effect the livelihoods of the Afghans themselves. For example, the 2018 returns are attributed in part to Iran's massive currency devaluation which has drastically diminished demand for labour in the informal sector in which Afghans primarily work.<sup>19</sup>

It should also be noted that whatever the factors propelling the return of Afghans, protection risks for returnees such as family separation and unaccompanied children are very high.

## ***International organisations:***

International multilateral organisations (UNHCR and IOM) and a small number of INGOs and national NGOs play a significant role in directing humanitarian assistance programmes to documented Afghan refugees in both Iran and Pakistan. However governments' attitudes to undocumented Afghans constrain these actors providing assistance to this more vulnerable population, rendering them liable to severe economic and social marginalisation.

In general, all these organisations face challenges in advocating for international protection norms and standards for the Afghan refugees and especially for undocumented Afghans. Although by building up trust with the authorities they are able to apply some 'protection by presence' influence on the governments' acknowledgement of international standards, the subject remains very sensitive, especially given that both Pakistan and Iran are very firmly committed to Afghan repatriation, notably of the undocumented populations.

## **IRAN – PROTECTION BENCHMARKS**

### ***Refugee Status Determination:***

Of Afghans in Iran, 0.951 million are registered refugees while between 1.5 and 2 million are estimated to remain undocumented.<sup>20</sup>

Iran has, until recently, made a clear-cut distinction on status determination of Afghans by date of arrival. Until 1992, Afghans were given a prima facie right to remain although not officially designated as refugees. They were issued with refugee identity cards (initially known as 'blue cards' and post-2003 as Amayesh cards) and had access to social benefits and work permits.<sup>21</sup> From 1992 only temporary residency permits were provided, and then from about 1997, the government started to decline granting residency rights (and thus formal protection) altogether for newly arriving Afghans whilst intensifying efforts to register and repatriate those already in the country. This policy was further enforced in 2002/3. Those arriving after these dates are, in general, considered economic migrants – echoing earlier periods of large scale labour migration to Iran – with, until recently, no recourse to lodge applications for refugee status and protection on arrival or in-country. Distinguishing between arrival dates and thus conferring or withholding refugee status and protection is arbitrary since there is no difference in the circumstances of flight from Afghanistan and the protection needs of all forcibly displaced Afghans.

Another factor to take into account in relation to status determination and protection is that extensive registration exercises have been periodically conducted since 2002/3. It has been suggested, in the past at least, that these have not always been to extend protection but to identify Afghans without refugee or other approved status,

possibly in order to facilitate large scale deportation or repatriation exercises, discussed below.<sup>22</sup> Moreover, periodic re-registrations of refugees, which are a complex and bureaucratic process accompanied by onerous fees, make it difficult for Afghans to stay legally in Iran, or have resulted in many refugees losing their status.<sup>23</sup>

Nevertheless, exceptions render protection conditions very complex. For example, from 2003-07 the government did issue Amayesh cards to those who had already undergone registration. Then, more recently, as a result of the 2015 education decree discussed below, whether documented or not, families who have since enrolled their children in schools have benefited from protection from deportation. More recently still, in 2017, the Iranian government started another registration of undocumented Afghans – the Head Count Plan – which included inter alia: undocumented Afghans with children enrolled in schools; spouses and children of valid Amayesh card holders without valid documents; undocumented Afghans married to Iranian nationals; and Afghans holding expired Amayesh cards. Some 800,000 have been registered. Although there is no decision on the documentation they will receive it has been suggested, in contrast to earlier registrations, that they are immune to the risk deportation.

Another potentially positive change concerns the status of children of Iranian mothers and Afghan husbands. A study in 2007 reported that some 40,000 marriages were affected and up to 100,000 children of such marriages lacked Iranian birth certificates and identity documents, depriving them of rights to education, formal work, and marriage.<sup>24</sup> A recent decree, as yet to be fully enacted, makes provision for the children to claim Iranian citizenship, although the status of the fathers has not been clarified.<sup>25</sup>

However, despite these progressive developments in Iran's protection policies, as many as 1.2 million (depending on the baseline estimate of the undocumented) Afghans still remain without any formal protection, freedom of movement and the right to work, and thus experience a high degree of precarity. In public at least, the multilateral actors do not appear to acknowledge these existential threats – e.g. in relation to RSD, deportation and voluntary repatriation – and whilst INGOs and NGOs do deliver some assistance to undocumented Afghans, de facto acknowledged by the authorities, this appears to be pragmatic and unsystematic. These irregular conditions underscore concerns about the protection of undocumented Afghans and their vulnerable and precarious situation.

### **Repatriation and Deportation:**

Against the background of Iran's strong policy steer for refugee repatriation and given the large number of undocumented Afghans, return programmes have been periodically mobilised. Voluntary assisted return has involved more than 950,000 Afghans from Iran (2002-2016) and has been promoted by UNHCR and IOM under the auspices of the comprehensive framework of the SSAR.<sup>26</sup> As many as 400,000 Afghans are estimated to have returned supposedly spontaneously in this same period. In 2018 large scale return (in excess of 767,000 Afghans) is attributed to the severe economic downturn in Iran.

There is also evidence of periodic large-scale deportations of undocumented Afghans. Although numbers are large they are hard to verify but, for example, estimates indicate that of the 2018 returnee total of 767,000, over 410,000 were deported,<sup>27</sup> whilst some 130,000 may have been forcibly returned in 2017.<sup>28</sup> Possibly as many as 490,000 were returned in 2008.<sup>29</sup> Deportation and the lack of certainty about the voluntariness of assisted return raise Afghan anxieties<sup>30</sup> about their status, highlighting protection issues, the likelihood that refoulement is taking place.



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## **Freedom of movement:**

Invoking national security concerns, Iran maintains a reservation to the 1951 CSR provision for freedom of movement and, since 2001, increasingly imposed restrictions on locations where foreign nationals – including all Afghans whether refugees or undocumented – could legally reside. No-go locations at one stage encompassed approximately two-thirds of the country<sup>31</sup> requiring significant numbers of Afghans (both refugees and undocumented), to relocate to designated areas, thereby disrupting their livelihoods and social and economic networks. Remaining in these no-go areas, is punishable by arrest, detention, and even deportation.<sup>32</sup> However it has been reported that access to restricted areas has been relaxed in the past five years, removing these penalties for those who choose to remain.

## **Right to Work:** <sup>33</sup>

In Iran there is a sharp distinction on the right to work between Afghans with refugee status and undocumented Afghans. Documented refugees are permitted to work; but employment is severely limited by the restrictions on freedom of movement and place of residence – refugees are only allowed to work within their designated area of residence which they cannot leave without obtaining a *laisser-passer*.<sup>34</sup> Iran exercises further reservations to the 1951 CSR articles on the right to work restricting access to only 16 designated occupations – predominantly low income, low skill jobs which further limits the refugees' options for employment. Those detected working in proscribed sectors risk deportation.

Together with the parlous state of the Iranian economy, restrictions on freedom of movement and these limitations on the right to work have considerable impacts on economic opportunities for the Afghans, their livelihoods strategies, and their socio-economic networks and social capital. On the other hand, Iran has one of the highest proportions of urban refugees in the world – some 97% live in urban/peri-urban area<sup>35</sup> – affording at least some potential for livelihood opportunities in both the formal and informal sectors that are less likely to exist in the 20 UNHCR managed settlements or hard to reach locations.

The cost of the mandatory work permit for men over 18 and its annual renewal is a further constraint,<sup>36</sup> as are the complex regulations for opening bank accounts, owning immovable property and engaging in business, all of which are permitted but require specific approvals. For undocumented Afghans, there has been an unconditional ban on their employment since 2001 with heavy fines, imprisonment and business closure for breaking this law. Nevertheless, informally the government now supports some livelihood programming for undocumented Afghans in some provinces. But, like the protection situation as a whole, this is pragmatic and unsystematic with differing standards of application and implementation that render undocumented Afghans highly vulnerable and precarious.

There is some, albeit dated, evidence of upward mobility into more skilled and higher social status employment<sup>37 38</sup> but in practice, whatever their status, most Afghans struggle to find employment, given right to work and freedom of movement restrictions, susceptibility to harassment and the structural weakness of the economy.<sup>39</sup> Anecdotal evidence suggests that up to one half of Afghans in Iran live below the absolute poverty line<sup>40</sup> reinforcing their economic marginalisation whilst for those in the informal sector, there are the added risks of detection, arrest and possible deportation.<sup>41</sup>

## **Access to education:**

Against the background of exceptionally high levels of illiteracy for Afghan children both in Afghanistan and in exile,<sup>42</sup> and the demographic of the exiled Afghan population, access to education is critical. However, the right



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to access education in Iran is complicated and there is a checkered history.<sup>43</sup> Afghan children without refugee status have only been able to access Iranian schools since 2015. Before this date, there had been heavy demand for the large number of autonomous Afghan schools, so called Afghan Self-Regulated Schools (ASRSs), which, until recently, have been unregulated and provided very poor quality education. They are now regulated.<sup>44</sup> It is generally assumed that an edict from the Supreme Leader in Iran requiring that all Afghan children (documented and undocumented), should be entitled to schooling transformed a policy of denial to one of access for tens of thousands of Afghan children in a very short space of time.<sup>45</sup> Access is still not straightforward and high fees and other costs such as for uniforms and equipment, although the same level for Afghans and Iranians, disproportionately affect the poorer Afghans and are a deterrent to uptake.<sup>46</sup>

Sustaining attendance through the full duration of compulsory education remains a significant challenge for the Afghans given the frequent changes in the fee levels, the periodic 'on-off' access regulations (until the 2015 policy transformation), and the Iranian government's generally restrictive attitude towards access to education for both refugee and (especially) undocumented Afghan children.<sup>47</sup> There is some evidence that these conditions have, in the past, compounded the already severe problem of Afghan child labour in Iran given the lack of livelihood opportunities and restrictions on the opportunities that do exist.<sup>48</sup> It is too soon to ascertain how the 2015 policy change has affected these outcomes; but the protection of adult Afghans whose children attend school is a significant enhancement of their rights and status. Lack of education, but the positive potential offered by Iran's policy change, have longer term consequences for the sustainability of return for Afghans and their scope to contribute to the longer term development of their country.

## PAKISTAN – PROTECTION BENCHMARKS

### **Refugee Status Determination and Documentation:**

Pakistan hosts 1.395 million Afghan refugees,<sup>49</sup> whilst between an additional 600,000 to as many as one million remain undocumented, thus residing with an irregular status. As in Iran, the protection of Afghans is highly conditioned by their status, although eligibility for the different statuses is generally less circumscribed.

Until 2006, Afghan refugees in Pakistan did not require legal documents. Commencing in 2007, and since 2009 assisted by the UNHCR, the Government of Pakistan instituted Proof of Registration (PoR) cards affording some protection against deportation and harassment, and other rights.<sup>50</sup> As of March 2018, some 1.39 million Afghans held a PoR card,<sup>51</sup> leaving an increasing number of those without such cards unprotected. The PoR cards are subject to renewal and there have been six extensions since their inception, the most recent prolonging the PoR to June 2019.<sup>52</sup> The lack of permanency of the PoR – sometimes extensions are only for six months at a time – inevitably impairs the quality of protection and creates insecurity and uncertainty amongst the Afghan refugees as to their future prospects in exile.

A second, and very limited means of registration is the Refugee Identity Card (RIC), the outcome of the UNHCR's Refugee Status Determination. The RIC is generally accepted, allowing asylum seekers and recognised refugees to remain in Pakistan but is more circumscribed: for example although renewable, protection status is only valid for 12 months at a time. As of September 2016, UNHCR stopped RSD processes for Afghan asylum seekers, replacing it with an 'Enhanced Registration' through which potential refugees get protection through a registration certificate instead of the RIC.



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Those without either PoR or RIC have, until recently, been undocumented, mainly comprising persons who arrived after 2007, or who were present but not registered when the government, as in Iran in 2002, closed the registration (PoR) process. Afghans who repatriated to Afghanistan, but subsequently returned to Pakistan after 2007 have also remained undocumented.

However, in 2017 the governments of Afghanistan and Pakistan and UNHCR/IOM commenced a third registration process for this undocumented population with a view to providing Afghan Citizen Cards (ACC) to all Afghans. Although distinct from refugee status this affords those so far unregistered some heavily qualified protection. A potentially positive development, nevertheless there is some indication that the Government of Pakistan aims to link those who are registered for the ACC with the Government of Afghanistan in order to encourage voluntary repatriation with IOM assistance.<sup>53</sup> Even with this uncertainty, some 800,000 formerly undocumented Afghan nationals had been registered and 275,000 cards distributed so far.<sup>54</sup>

A further development in protection was a still-disputed Prime Ministerial decision in September 2018 to grant citizenship, inter alia, to people born in Pakistan of Afghan parentage.<sup>55</sup> If enacted this clearly has significant implications for an estimated 60% of the Afghan population born in exile in Pakistan.

As regards the UNHCR, its protection role is principally framed around a strong commitment to the SSAR and thus voluntary repatriation of documented Afghan refugees.<sup>56</sup> Most INGOs working in Pakistan have been assisting 'registered' refugees rather than undocumented Afghans, mainly as implementing partners of UNHCR. There is little evidence that these organisations provide protection services for the large undocumented Afghan population and even their mere existence is scarcely acknowledged.

## ***Repatriation and Deportation:***

As in Iran, the return of Afghans to their country of origin remains the cornerstone of Pakistan's durable solutions policy. Approximately 3.9 million Afghans have voluntarily returned from Pakistan between 2002 and 2015, many within the framework of the UNHCR and IOM SSAR, since it commenced in 2012.<sup>57 58</sup> Return has proved to be neither in conditions of safety and dignity nor sustainable and, as a result, significant numbers have subsequently returned to exile in Pakistan, where they have not been eligible for registration or protection since 2007, or they have been secondarily displaced within Afghanistan.

There is some evidence that lack of documentation [to prove refugee status] has rendered undocumented Afghans vulnerable to deportation from Pakistan and some leverage of 'spontaneous return' which raise questions about the possibility of *refoulement*.<sup>59</sup> As with case of Iran it is hard to verify numbers: some indication of the scale of deportation is evident in over 692,000 unregistered Afghan nationals returning to Afghanistan from Pakistan in 2016 when law enforcement agencies tightened controls; in parallel some 384,000 Afghan refugees returned that same year (a 12-year high).<sup>60</sup> In 2017 there were another 100,000 undocumented returnees from Pakistan.<sup>61</sup> However Afghan return from Pakistan in 2018 was exceptionally low: just under 32,500 undocumented refugees returned of whom a little over 2,500 were deportees.<sup>62</sup>

## ***Freedom of movement:***

In Pakistan there are no official regulations that limit freedom of movement or settlement or which embargo areas for the Afghans whether refugees, those with 'subsidiary' protection (such as the ACC), or the undocumented. However, there is evidence of informal restrictions on movement, such as harassment, police checks and threats



of deportation which, by undermining the principle of freedom of movement, may impact livelihood strategies and the ability to develop and sustain socio-economic networks.

### **Right to Work:**<sup>63</sup>

With no dedicated refugee legislation to clarify refugee rights in Pakistan, the legal position on the right to work is not clear cut; moreover, policy and practice have varied over time, for example regarding whether work permits or national identity cards are needed, and requirements for taxation identity numbers. However, despite the lack of clarity, the PoR card (i.e. refugee status), is in principle considered sufficient proof for accessing employment. By contrast, those with Afghan Citizen Cards (ACC) and the undocumented do not have the right to work. Irrespective of their status, Afghans in Pakistan cannot hold immovable property and face difficulties in owning businesses and, until recently in opening bank accounts.<sup>64</sup> Nevertheless, in practice however these restrictions appear to have been bypassed and refugees have managed to acquire property through informal agreements. This however exposes them to a number of vulnerabilities as they cannot access legal recourse where ownership disputes arise – a situation made evident during the 2016 large-scale repatriation when many returning refugees had to sell their properties at loss.<sup>65</sup> As part of a national crackdown on money laundering, a Prime Ministerial decision in February 2019 allowed registered refugees to open and maintain bank accounts in Pakistan.<sup>66</sup> This should help to Afghan refugees to develop formal sector business and employment.

However, since the vast majority of documented and undocumented Afghans work in the informal sector and are likely to continue to do so, economic vulnerability<sup>67</sup> and exploitation<sup>68</sup> are extensive, and the risks for detection and consequential punishment are high. Marginality is accentuated by the structural weaknesses of Pakistan's economy.

### **Access to education:**

As in Iran so too in Pakistan, the Afghan population is young, with second and third generations of children born into displacement. Similarly there are exceptionally high illiteracy levels of Afghan children. In principle, children of registered Afghan refugees have the right to access state schools in Pakistan although, as in Iran, fee levels severely limit access. Private (or religious) education is also available to registered Afghans. Afghan refugee children can access primary education in schools opened particularly for them in refugee villages and informal settlements. Afghans who reside in urban settlements do not have access to public schools and must send their children to private schools. In the past, undocumented Afghan children did not have the right to access state education in Pakistan: it is not yet clear if new 2017 ACC registration processes accords these children the right of access to education.

Despite some of these policy inflections, the great majority of displaced children are out of school (80% of refugee children with percentages even higher for girls because of socio-cultural factors) resulting in extremely low literacy rate especially among women and girls.<sup>69</sup> Given the enduring propensity for quite high levels of Afghan child labour in Pakistan, under severely restricted livelihood opportunities and restrictions for the Afghan population as a whole, the constraints on access to education constitute conditions that are creating another 'lost generation' but one that does not have the profile of Syrian refugees.

As in Iran the lack of clear access to education for all Afghan children in Pakistan has far reaching implications for Afghanistan too, since lack of education limits opportunities for sustainable return by displaced Afghan youth and the resources for social and economic mobility.<sup>70</sup>

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<sup>1</sup> Pakistan currently hosts 1,395,851 registered Afghan refugees. Iran hosts 951,142 [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern)

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<sup>3</sup> The estimates for undocumented Afghans in Iran are between 1.5 million and 2.0 million (see endnote 19 below for details) and between 0.6 million and 1.0 million in Pakistan (see endnote 48 below for details).

<sup>4</sup> For example, in Pakistan a census of Afghans conducted in 2015 showed that the majority was born in exile (UNHCR (2015) "Pakistan's census of Afghans provides first detailed profile of the population", [www.unhcr.org/news/latest/2005/8/430c80954/pakistans-census-afghans-provides-first-detailed-profile-population.html](http://www.unhcr.org/news/latest/2005/8/430c80954/pakistans-census-afghans-provides-first-detailed-profile-population.html)) In 2018, it is estimated that 74% percent of Afghan refugees in Pakistan are second or third generation born in the country (UNHCR Pakistan (2017) "Community Based Protection and Urban Outreach Strategy 2017-2019", <https://unhcrpk.org/wp-content/uploads/2018/06/Community-Based-Protection-and-Urban-Outreach-Strategy-2017-2019-1.pdf>)

<sup>5</sup> UNHCR (2017) "Tough Choices for Afghan Refugees Returning Home After Years in Exile", [www.unhcr.org/news/briefing/2017/2/589453557/tough-choices-afghan-refugees-returning-home-years-exile.html](http://www.unhcr.org/news/briefing/2017/2/589453557/tough-choices-afghan-refugees-returning-home-years-exile.html)

<sup>6</sup> Important in relation to Afghanistan's deteriorating economic conditions is the heavy dependence of the economy on remittances from documented and undocumented Afghans in Iran and Pakistan. Consequently, both large scale forced or voluntary returns from these two countries, such as in the last three years, as well as the volatility of their economies in terms of generating Afghan employment (mainly in the informal sector), have immediate, direct negative impacts on Afghanistan's economy itself.

<sup>7</sup> "Afghan capital not safe for return, according to UNHCR's newest guidelines", 7th September 2018 <https://www.ecre.org/afghan-capital-not-safe-for-return-according-to-unhcrs-newest-guidelines/>

<sup>8</sup> Returns to Afghanistan in 2017, Joint IOM-UNHCR, Summary Report, Kabul, p. 4, [https://reliefweb.int/sites/reliefweb.int/files/resources/document\\_48.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/document_48.pdf)

<sup>9</sup> In Iran, the Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), which operates under the Ministry of Interior, has overall responsibility for coordinating refugee affairs in cooperation with other line ministries and is charged under Iranian law with processing refugee claims. In Pakistan, the Ministry of States and Frontier Regions (SAFRON) is the Federal Ministry mandated to deal with Afghan refugees. Within SAFRON, the Chief Commissionerate for Afghan Refugees (CCAR) based in Islamabad and the Commissionerates for Afghan Refugees (CAR), found in each province of the country, have responsibility for implementing policy and operations in the field.

<sup>10</sup> Regulations prevent refugees and foreign nationals from accessing some provinces –periodically new provinces are added. Determination of Areas restricted for the Movement and Stay of Foreign Nationals in Border Areas of the Country, Ministry of the Interior 1/1/2002, <http://www.ghavanin.ir/detail.asp?id=16934> and Amendment of Article 1, Section A of Determination of Areas Restricted for the Movement & Stay of Foreign Nationals in Border Areas of the Country approved on 1/1/2002, 25/09/2004, <http://rc.majlis.ir/fa/law/show/123765>

<sup>11</sup> The government of Iran considers the stipulations contained in Articles 17 (wage-earning employment), 23 (public relief), 24 (labour legislation and social security), and 26 (freedom of movement) as being recommendations only, "Reservations and Declarations to the 1951 Refugee Convention," [www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention](http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3d9abe177&query=1951%20Refugee%20Convention)

<sup>12</sup> For Iran see endnote 39; for Pakistan see endnotes 60, 63, and 66.

<sup>13</sup> The organisations are Amnesty International, European Council on Refugees and Exile (ECRE), Human Rights Watch (HRW), Oxfam, and Norwegian Refugee Council (NRC), British & Irish Agencies Afghanistan Group and the European Network of NGOs in Afghanistan (2018) “Return and displacement in Afghanistan” Discussion Paper, <https://www.baag.org.uk/sites/www.baag.org.uk/files/resources/attachments/Return%20and%20displacement%20in%20Afghanistan%20-%20March%202018.pdf>

<sup>14</sup> UNHCR (2018) Islamic Republic of Iran: Global Focus, <http://reporting.unhcr.org/node/2527> The SSAR strategy has been endorsed by the governments of Afghanistan, Iran, and Pakistan, UNHCR (2012) “Solutions Strategy for Afghan Refugees to support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries,” <http://unhcr.org/afghanistan/solutions-strategy.pdf>

<sup>15</sup> IOM (2018) Return of Undocumented Afghans (weekly Sit Rep 23-29 Dec 2018 and annual aggregate) [https://afghanistan.iom.int/sites/default/files/Reports/iom\\_afghanistan-return\\_of\\_undocumented\\_afghans-\\_situation\\_report\\_23\\_-\\_29\\_dec\\_2018\\_003.pdf](https://afghanistan.iom.int/sites/default/files/Reports/iom_afghanistan-return_of_undocumented_afghans-_situation_report_23_-_29_dec_2018_003.pdf)

<sup>16</sup> IOM-UNHCR (2017) Returns to Afghanistan in 2017: Joint IOM-UNHCR Summary Report [https://afghanistan.iom.int/sites/default/files/Reports/joint\\_returnee\\_report\\_iom\\_unhcr\\_final.pdf](https://afghanistan.iom.int/sites/default/files/Reports/joint_returnee_report_iom_unhcr_final.pdf) Of the 610,000 Afghans returnees from Iran and Pakistan in 2017, this includes 60,000 registered refugees from Pakistan, 100,000 undocumented Afghan returnees from Pakistan, and over 450,000 undocumented Afghan returnees from Iran.

<sup>17</sup> Returns to Afghanistan in 2017, Joint IOM-UNHCR, Summary Report, Kabul, p. 4, [https://www.iom.int/sites/default/files/press\\_release/file/joint\\_returnee\\_report\\_iom\\_unhcr\\_final.pdf](https://www.iom.int/sites/default/files/press_release/file/joint_returnee_report_iom_unhcr_final.pdf).

<sup>18</sup> Returns to Afghanistan in 2017, Joint IOM-UNHCR, Summary Report, Kabul, p. 13, [https://www.iom.int/sites/default/files/press\\_release/file/joint\\_returnee\\_report\\_iom\\_unhcr\\_final.pdf](https://www.iom.int/sites/default/files/press_release/file/joint_returnee_report_iom_unhcr_final.pdf)

<sup>19</sup> op. cit 13.

<sup>20</sup> Estimates of undocumented Afghans, which are inevitably difficult to verify, largely derive from periodic government registration exercises and changing classifications – eg including or not those who may be in possession of Afghan passports. In 2015 the Ministry of Interior reported the total number of Afghans in Iran to be as high as 2.5 million (including registered refugees, Iranian visa holders and those who entered irregularly); this figure implies that, deducting the 0.979 million registered refugees, 1.521 million were irregular or visa holders. According to another estimate by Iran’s Bureau for Aliens and Foreign Immigrants’ Affairs (BAFIA), there are 1.4 to 2 million undocumented Afghan migrants living and working in Iran today. Together with the registered refugee population, that makes for a total of between 2.4 and 3 million Afghans in Iran, figure cited in Human Rights Watch (2013) Unwelcome Guests: Iran’s Violation of Afghan Refugee and Migrant Rights, New York: Human Rights Watch, p.19. <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>. See also UNHCR (2018) Islamic Republic of Iran Global Focus, <http://reporting.unhcr.org/node/2527?y=2017#year> However, in 2017, a national exercise identified more than 800,000 undocumented persons, [UNHCR (2018) Global Focus Planning Summary, <http://reporting.unhcr.org/sites/default/files/pdfsummaries/GA2018-IslamicRepublicofIran-eng.pdf> Whereas in 1992 76% of the then Afghan population in Iran, estimated to be about at 2.8 million, were registered and only 14% unregistered [UNHCR data from 2001 cited in Adelkhah, F., and Olszewska, Z. (2007) ‘The Iranian Afghans,’ Iranian Studies, 40:2 pps. 137-165], now, taking the highest figure for undocumented Afghans, only a little over 30% of the Afghan population is registered.

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<sup>22</sup> Human Rights Watch (2013) Unwelcome Guests, Iran’s Violation of Afghan Refugee and Migrant Rights, [www.hrw.org/sites/default/files/reports/iran1113\\_forUpload.pdf](http://www.hrw.org/sites/default/files/reports/iran1113_forUpload.pdf). and Adelkhah, F., and Olszewska, Z. (2007) ‘The Iranian Afghans,’ Iranian Studies, 40:2 pps. 137-165, and Encyclopaedia Iranica (2011) Afghan Refugees in Iran, University of Columbia, <http://www.iranicaonline.org/articles/afghanistan-xiv-afghan-refugees-in-iran-2>.



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# **DRC DANISH REFUGEE COUNCIL**

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**MINISTRY OF  
FOREIGN AFFAIRS  
OF DENMARK**