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COI QUERY

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	Treatment of returnees coming from Pakistan by the Afghan de facto authorities
	3. Possibilities to return to Pakistan legally
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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain 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. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Afghanistan

Situation of Afghan returnees from Pakistan amid the campaign linked to the 'Illegal Foreigners' Repatriation Plan' (IFRP)

1. Returns from Pakistan and conditions on return in Afghanistan

On 3 October 2023, Pakistan's interim government called upon all 'illegal immigrants' to return to their countries of origin by 1 November 2023 to avoid being repatriated by Pakistani authorities¹ in a campaign intended to target undocumented migrants: the so-called 'Illegal Foreigners' Repatriation Plan' (IFRP).² Thousands of Afghans have returned to Afghanistan from Pakistan before the end of the deadline.³ In the period 29 October 2023–4 November 2023, UNHCR and IOM noted a peak of returns compared to previous weeks. An estimated 137 835 Afghans returned from Pakistan through the Torkham and Chaman border crossing only, which represented an increase of 100 921 returning individuals (273 %)4 compared to the period 22 October 2023–28 October 2023.⁵ In the period 1–15 November 2023, IOM reported that 171 305 Afghans returned to Afghanistan.⁶ By 25 November 2023, the total number of Afghan returnees since 15 September 2023 reached 413 745 individuals according to data provided by UNHCR and IOM. The most common reason for return (91 %) was 'fear of arrest' in Pakistan, and 96 % of returnees were undocumented according to the same source. Holders of Afghan Citizen Card (ACC) and Proof of Registration cards (PoR) were also among the returnees, but only made up 2 % each. Of all who returned, 6 % had been forcibly returned.⁷ By 30 November 2023, the total number of Afghan returnees from Pakistan since 1 January 2023 reached 468 534 individuals according to IOM.8 For more information on forced return of Afghans from Pakistan, see the EUAA COI query response on 'Illegal Foreigners' Repatriation Plan' published in December 2023

Most of the returnees from Pakistan have not lived in Afghanistan for decades⁹ and some of them were born in Pakistan.¹⁰ After crossing the border to Afghanistan, returnees lacked

¹ Dawn, Gov sets deadline of Nov 1 for illegal migrants to leave Pakistan, 3 October 2023, <u>url</u>

 $^{^2}$ UNHCR and IOM, UNHCR-IOM, Flash update #7, arrest and detention, flow monitoring, (15 September – 25 November 2023), 29 November 2023, \underline{url} , p. 1

³ Al Jazeera, Thousands of Afghans fleeing Pakistan as deportation deadline looms, 31 October 2023, url

 $^{^4}$ UNHCR and IOM, UNHCR-IOM Flash update #4, arrest and detention, flow monitoring, (15 September – 04 November 2023), 8 November 2023, \underline{url} , p. 2

⁵ UNHCR-IOM, Flash update #3, arrest and detention, flow monitoring, (15 September – 28 October 2023), 1 November 2023, url, p. 1

⁶ IOM, Pakistan, Bi-weekly flow monitoring of Afghan returnees, Data collection period: 1 – 15 November 2023, <u>url</u>, p. 1

⁷ UNHCR and IOM, UNHCR-IOM, Flash update #7, arrest and detention, flow monitoring, (15 September – 25 November 2023), 29 November 2023, <u>url</u>, p. 2

⁸ IOM, Bi-weekly flow monitoring of Afghan returnees, data collection period: 16 – 30 November 2023, 7 December 2023, url. p. 1

⁹ IRC, Afghan refugees, 1.7 million Afghans face deportation from Pakistan, 8 November 2023, url

¹⁰ HRW, Pakistan: Widespread abuses force Afghans to leave, 28 November 2023, url



shelter, food, onward transportation means, 11 warm cloths, and majority of them reportedly suffered from health problems. 12

The *de facto* authorities in Afghanistan have expressed their commitment to support individuals returning from Pakistan,¹³ but have not been prepared 'to receive massive numbers of returnees' as the country already faced 'world's largest humanitarian crises', according to the International Crisis Group.¹⁴ The actions taken by *de facto* authorities to handle the situation includes setting up a High Commission to address problems of returnees, which was amongst others composed of committees addressing registration and reception, health affairs and services, transport and transfer, temporary settlement, finance, mosques and education, information and public awareness,¹⁵ fund raising,¹⁶ and a committee on finding jobs.¹⁷

Moreover, the *de facto* authorities have established temporary camps in Nangarhar and Kandahar provinces to receive Afghan returnees from Pakistan.¹⁸ The camps were located at Torkham and Spin Boldak border crossing points¹⁹ to facilitate the daily transfer of returnees to their respective hometowns and villages across the country.²⁰ Temporary camps have been set up in schools, tents, and reception centres,²¹ where returnees have been provided with food and medical assistance.²² On 6 November 2023, the construction of a second camp, made up of 70 houses, was launched in Torkham.²³ On 29 November 2023, *de facto* authorities in Afghanistan claimed to assist returnees in Omari Camp (a temporary settlement located in Torkham²⁴) with shelter, food, money, clothing, transport, and SIM-cards.²⁵ There have been reportedly poor conditions in the camps,²⁶ including lack of heating and sanitation.²⁷

¹¹ AP, Taliban appeal to Afghan private sector to help those fleeing Pakistan's mass deportation drive, 4 November 2023, url

¹² Islamic Relief Worldwide, Majority of Afghan returnees from Pakistan do not have shelter or food, new survey finds, 29 November 2023, <u>url</u>

¹³ AW, Taliban response to Pakistan expulsion of refugees: support announced, but poor conditions reported, 29 November 2023, <u>url</u>

¹⁴ International Crisis Group, Pakistan's mass deportation of Afghans poses risk to regional stability, 13 November 2023, url

¹⁵ Taliban, Meeting of high commission for addressing refugees problems convened, 16 November 2023, <u>url</u>

¹⁶ Taliban, Daily report of committees of the High Commission addressing issues of returning migrants, 10 November 2023, url

¹⁷ RTA Pashto, در استنبونکو کووالو ستونزو ته د رسېدنې عالي کمېسيون د کمېټو ورځنۍ کاري راپور (Daily activities report of the committees of the high commission to address the returnee refugees' needs], 20 November 2023, <u>url</u>; Taliban, Govt. Media and Information Center, Daily report of high commission for facilitation of returning refugees, 18 November 2023, <u>url</u>

¹⁸ Pajhwok, Camps being set up for returnees from Pakistan, 31 October 2023, url

¹⁹ Jazeera, 'In tents again': life comes full circle for Afghans expelled from Pakistan, 16 November 2023, <u>url</u>

²⁰ Al Jazeera, 'In tents again': life comes full circle for Afghans expelled from Pakistan, 16 November 2023, url

²¹ WHO, Afghanistan, returnees programme, 16 November 2023, <u>url</u>, p. 1

²² Reuters, Pakistan speeds up Afghans' repatriation as deadline expires, 3 November 2023, url

²³ Pajhwok, Construction work on houses for returnees near Torkham begins, 6 November 2023, url

²⁴ Taliban, Daily report of high commission for facilitation of returning refugees, 23 November 2023, <u>url</u>

²⁵ Taliban, Daily report of the high commission for facilitation of returning refugees, 29 November 2023, url

²⁶ AW, Taliban response to Pakistan expulsion of refugees: support announced, but poor conditions reported, 29 November 2023, <u>url</u>

²⁷ Al Jazeera, Afghans fleeing Pakistan lack water, food and shelter, 8 November 2023, <u>url</u> RFE/RL, Afghan Returnees Describe Dire Conditions In Their Homeland,



As of 7 November 2023, the construction of a temporary camp began in Helmand for returnees from Pakistan²⁸ and a returnee camp of 33 tents was established on Kabul - Mazar-e Sharif road that had the capacity to receive 35 families.²⁹ Temporary camps were also established in Uruzgan³⁰, Farah, Kunar³¹ and Sar-e Pul provinces,³² and in the north of the capital Kabul.³³ Located in Sarai Shamali area, the Kabul transit camp was comprised of 50 tents with the capacity of receiving up to 500 people³⁴ and is offering meals and medical assistance.³⁵ As of 25 November 2023, majority of the returnees from Pakistan aimed to go to Kandahar, Nangarhar and Kabul.³⁶ *De facto* authorities' Telecom Regulatory Authority reportedly provided returnees from Pakistan with over 42 000 SIM cards free of charge.³⁷

According to World Health Organisation (WHO), majority of returnees from Pakistan were from Nangahar, Kandahar, Kunar, Kunduz and Laghman provinces and 90 % of them aimed to return to their provinces of origin.³⁸

On 7 November 2023, TOLOnews cited the deputy Minister of Refugees and Repatriation of *de facto* authorities stating that United Arab Emirates (UAE) has sent 20 000 tents for Afghan refugees, half of which were planned to be sent to Torkham and half to Spin Boldak.³⁹

On 8 November 2023, an Inter-agency Border Consortium Appeal (BCA) was launched⁴⁰ between IOM, WFP, UNICEF, UNHCR, WHO, UNIFPA, DRC and NRC to provide a harmonised and coordinated response for Afghan returnees from Pakistan.⁴¹ World Food Programme (WFP) reportedly provided food and cash for Afghan returnees from Pakistan⁴² and UNHCR provided them with 'protection assistance and a cash grant'.⁴³ Returnees who were assisted by UNHCR 'possess different documentation including, Asylum Seeker Certificates, Proof of Registration (POR) card holders and their families, UNHCR Slip holders, and their families, as well as Protection referrals.'⁴⁴ Humanitarian agencies however struggled with already substantial funding shortfalls to respond to the humanitarian crisis in Afghanistan⁴⁵ that is 'still

²⁸ Pajhwok, Construction of temporary refugees camp begins in Helmand, 7 November 2023, <u>url</u>

²⁹ WHO, Afghanistan, [Twitter], posted on: 12 November 2023, url

³⁰ RFE/RL, 'There is nothing here': Afghan refugees forced from Pakistan struggle to find shelter, 7 November 2023, url; Pajhwok, Camp being set up in Tirinkot for returnees from Pakistan, 6 November 2023, url

³¹ Pajhwok, Temporary refugees camp set up in Farah, Kunar, 9 November 2023, <u>url</u>

³² Pajhwok, Temporary camp set up for returnees in Sar-i-Pul, 15 November 2023, url

³³ Pajhwok, Temporary camp set up for returnees in Kabul, 13 November 2023, url

³⁴ TOLOnews, Afghan deportees from Pakistan struggle with cold weather in Kabul, 12 November 2023, url

³⁵ Afghan Analyst, [Twitter], posted on: 12 November 2023, <u>url</u>

³⁶ UNHCR-IOM, Flash update #7, arrest and detention, flow monitoring, (15 September – 25 November 2023), 29 November 2023, url, p. 2

³⁷ Pajhwok, Over 42,000 SIM cards distributed to returnees, 20 November 2023, <u>url</u>

³⁸ WHO, Afghanistan, returnees programme, 16 November 2023, url, p. 1

³⁹ TOLOnews, UAE donates 20,000 tents to Afghan refugees, 7 November 2023, url

⁴⁰ UNHCR, Emergency update #1: Pakistan-Afghanistan returns response, 10 November 2023, url, p. 1

⁴¹ IOM, Border Consortium Appeal, 8 November 2023, url

⁴² World Food Programme in Afghanistan, [Twitter], posted on: 16 November 2023, url

⁴³ UNHCR, Forced returns from Pakistan deepen Afghanistan's humanitarian crises, 17 November 2023, url

⁴⁴ UNHCR, Pakistan-Afghanistan, returns emergency response as of 23 November 2023, 24 November 2023, <u>url</u>, p.

⁴⁵ UNHCR, Forced returns from Pakistan deepen Afghanistan's humanitarian crises, 17 November 2023, <u>url</u>



reeling from decades of conflict, recent devastating earthquakes, and a crippling economic crisis'. The lack of funds has been stressed for example by WFP that reportedly indicated that it lacked fund for thousands of Afghan returnees from Pakistan. WFP has been present at border crossing points in Nangarhar and Kandahar provinces, and during November 2023, WFP provided food and cash for an estimated number of 280 000 Afghan returnees from Pakistan. Pakistan.

In Torkham, IRC has reportedly provided 'emergency medical care, maternal healthcare, nutrition services, and mental health support' to over 1700 Afghan returnees from Pakistan. IRC also provided 'psychosocial support for vulnerable groups, including women and children', and set up latrines and waste management sites.⁴⁹

On 17 November 2023, UNHCR indicated that hundreds of thousands of Afghan returnees from Pakistan had no job and home in Afghanistan.⁵⁰ The source further indicated that not only the *de facto* authorities, but also ordinary Afghans tried to provide support with tents, cash assistance, food and other items to the newly arrived.⁵¹ Some returnees from Pakistan reportedly complained about the lack of residential facilities in Kunduz province.⁵²

Afghan returnees from Pakistan faced cold weather in Afghanistan.⁵³ On 4 November 2023, Associated Press (AP) quoted the *de facto* Ministry of Commerce and Industry stating that 'Afghans forcibly expelled from Pakistan are facing the worst situation of their lives, with no opportunities'.⁵⁴ On 6 November 2023, aid organisations told AP that Afghans who crossed the border to Afghanistan were 'sleeping in the open, without proper shelter, food, drinking water and toilets'.⁵⁵ During the reporting period, UNHCR indicated that Afghanistan was 'still impacted by recurrent conflict, instability and climate-induced catastrophes'.⁵⁶

2. Treatment of returnees coming from Pakistan by the Afghan *de facto* authorities

De facto authorities in Afghanistan planned to document all returnees from Pakistan.⁵⁷ Afghan Witness cited local sources indicating that 'the Taliban had established additional units at the

⁴⁶ NRC, Afghan refugees, returning to nothing, 15 November 2023, url

⁴⁷ United Nations Geneva, [Twitter], posted on: 25 November 2023, url

⁴⁸ WFP, Forced returns from Pakistan: WFP calls for urgent funds to respond in Afghanistan, 1 December 2023, <u>url</u>

⁴⁹ IRC, Afghans returning from Pakistan are in urgent need of nutrition and mental health support; IRC scaling up emergency response to meet the growing need, 7 November 2023, <u>url</u>

⁵⁰ UNHCR Afghanistan, [Twitter], posted on: 17 November 2023, url

⁵¹ UNHCR, Forced returns from Pakistan deepen Afghanistan's humanitarian crises, 17 November 2023, <u>url</u>

⁵² Pajhwok, Cash-strapped returnees in Kunduz demand shelter, 12 November 2023, url

⁵³ TOLOnews, Afghan deportees from Pakistan struggle with cold weather in Kabul, 12 November 2023, url

⁵⁴ AP, Taliban appeal to Afghan private sector to help those fleeing Pakistan's mass deportation drive, 4 November 2023. url

⁵⁵ AP, Afghans fleeing Pakistan lack water, food and shelter once they cross the border, aid groups say, 6 November 2023. url

⁵⁶ UNHCR, External update: Afghanistan situation #29, as of 1 November 2023, 1 December 2023, url

⁵⁷ Al Jazeera, 'In tents again': life comes full circle for Afghans expelled from Pakistan, 16 November 2023, <u>url</u>



border to collect biometric information of returnees.⁵⁸ Sources interviewed by Afghanistan International claimed that the Taliban Intelligence service had set up check points near the Torkham passport office and customs office, where they arrested and taken to unknown locations some former government military personnel returning from Pakistan or any other individuals they identified as suspects. They added that the Taliban also checked documentation and work history of women returning from Pakistan. No corroborating information could be found within the time constraints of this guery.⁵⁹

Some returnees told SAMAA news that the Taliban mistreated them and 'took away cash and mobile phones from their relatives'. On 15 November 2023, the UN Human Rights Chief reportedly indicated that 'Women and girls arriving in Afghanistan are particularly vulnerable' due to *de facto* authorities' policies towards women and girls including banning them from education, limiting their right to work and right to freedom of movement. For more information on the situation of women and girls in Afghanistan, see the EUAA COI report on Afghanistan – Country Focus published in December 2023. No further information on treatment of returnees from Pakistan by the Afghan *de facto* authorities could be found within the time constraints of this query.

For further information on the profile of individuals subject to IFRP, see the EUAA COI query response on 'Illegal Foreigners' Repatriation Plan' (IFRP) published in December 2023

3. Possibility to return to Pakistan legally

The government of Pakistan has announced that all Afghans entering Pakistan as of 1 November 2023 must have a valid passport and a visa.⁶³ According to the announcement, Afghans who held 'e-tazkiras (electronic Afghan identity cards)' were allowed to stay on in Pakistan until 31 October 2023 and then 'passport and visa policy was going to be applied.⁶⁴

⁵⁸ AW, Taliban response to Pakistan expulsion of refugees: support announced, but poor conditions reported, 29 November 2023, url

⁵⁹ Afghanistan International, سرچینې: د طالبانو استخبارات تورخم کې له پاکستانه ځینې ستنېډونکي کسان نامالوم ځای ته بیایي [Sources: Taliban Intelligence take some returnees from Pakistan to an unknown location], 27 October 2023, url

⁶⁰ SAMAA, Returned refugees narrate ordeal of ill-treatment from Afghan Taliban, 7 November 2023, url

⁶¹ UN OHCHR, Türk alarmed by reports of human rights abuses against Afghans forced to leave Pakistan, 15 November 2023, url

⁶² RFE/RL, 'I won't be free': Afghan women, girls face grim future after expulsion from Pakistan, 15 November 2023, url

⁶³ VOA, Pakistan tightens entry rules for Afghan travellers, 2 October 2023, url

⁶⁴ Dawn, Gov sets deadline of Nov 1 for illegal migrants to leave Pakistan, 3 October 2023, url



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