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European Asylum Support Office

Pakistan
Situation of Afghan refugees

Country of Origin Information Report

May 2020

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European Asylum Support Office

Pakistan
Situation of Afghan refugees

Country of Origin Information Report

May 2020

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The following national asylum and migration departments reviewed this report:

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 organisations reviewed this report:

ACCORD, the Austrian Centre for Country of Origin and Asylum Research and Documentation

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 EASO.

Contents

Acknowledgements 3
Contents 4
Disclaimer 6
Glossary and abbreviations 7
Introduction 10
Methodology 10
Sources 10
Quality control 11
Structure and use of the report 11
Map 12
1. Background 13
1.1 History of Afghan migration to Pakistan 13
1.1.1 The Durand Line 13
1.1.2 Overview of Afghan displacement to Pakistan 14
1.2 Legal status, population and demography 15
1.2.1 Legal status 15
1.2.2 Figures and place of residence 17
1.2.3 Demography 20
1.3 Laws and policies in Pakistan towards Afghan refugees 22
1.3.1 Laws and policies 22
1.3.2 Citizenship 23
1.3.3 Treatment by the state of Pakistan 25
1.3.4 General attitude of the Pakistan population towards Afghan refugees 31
2. Documentation of registered and unregistered Afghan refugees 32
2.1 Registered Afghan refugees 32
2.1.1 PoR cardholders 32
2.2 Unregistered Afghan refugees 36
2.2.1 Unregistered Afghan refugees 36
2.2.2 ACC holders 36
2.3 Return 38
2.3.1 General 38
2.3.2 Return of registered Afghan refugees 39

2.3.3 Return of unregistered Afghan refugees....42
3. Livelihood....43
3.1 Education....43
3.2 Employment....45
3.3 Access to services....46
3.3.1 Access to documents....46
3.3.2 Healthcare....47
3.3.3 Housing, land and property....48
3.3.4 Financial and communications services....49
3.3.5 Access to legal aid....50
3.4 Marriage....50
3.5 Cross-border movement....51
Annex 1: Bibliography....54
Annex 2: Terms of Reference....70

Disclaimer

This report was written according to the EASO COI Report Methodology (June 2019).[1] The report 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 EASO 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 15 April 2020. Some additional information was added during the finalisation of this report in response to feedback received during the quality control process, until 6 May 2020. More information on the reference period for this report can be found in the methodology section of the Introduction.

[1] The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: url

Glossary and abbreviations

AAN	Afghanistan Analysts Network
ACC	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.[2]
ADSP	Afghan Displacement Solutions Platform
AI	Amnesty International
ALAC	Advice and Legal Aid Centre. An ALAC is run by partners of UNHCR and are operational in all four provinces of Pakistan.[3]
APAPPS	Afghanistan Pakistan Action Plan for Peace and Solidarity
ARV	Afghan Refugee Village[4]
AVR	Assisted Voluntary Return
BHU	Basic Health Unit
CAR	Commissionerate for Afghan Refugees
CAMP	Community Appraisal and Motivation Programme
CCAR	Chief Commissionerate for Afghan Refugees
CFR	Council on Foreign Relations
CNIC	Computerized National Identity Card
DAFI	Albert Einstein German Academic Refugee Initiative
DFAT	Department of Foreign Affairs and Trade – Australian Government
EC	Encashment Centre
EVRRP	Enhanced Voluntary Return and Reintegration Package
HEC	Higher Education Commission
HRCP	Human Rights Commission of Pakistan
IDMC	Internal Displacement Monitoring Centre
IHC	Islamabad High Court
ILO	International Labour Organization
IOM	International Organization for Migration
ISSI	Institute of Strategic Studies Islamabad
Katchi abadi	Informal settlement

[2] UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, url; Dawn, Registration of undocumented Afghans starts today, 16 August 2017, url
[3] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1
[4] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url; ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11

Khpal Watan, Gul Watan	'My country, my beautiful country' or 'the grass is green in my land.' In July 2016, the Government of Afghanistan launched this campaign to encourage Afghan nationals to repatriate back to Afghanistan.[5]
MORR	Afghan Ministry of Refugees and Repatriation
MoU	Memorandum of Understanding
Muharram	The first month of the Islamic calendar.[6]
NADRA	National Database and Registration Authority
NAP	National Action Plan, a plan established by the Government of Pakistan to eliminate terrorism.[7]
NGO	Nongovernmental organisation
NRC	Norwegian Refugee Council
PCM-centre	PoR Card Modification-centre
PCO	Pakistan's Population and Census Organization
PoR card	Proof of Registration card: an administrative document issued to registered Afghan refugees in Pakistan.[8]
Rahdari	A *rahdari* is a card issued in 2015 to facilitate frequent cross-border movement of Shinwari tribesmen.[9]
RAHA-initiative	Refugees Affected and Hosting Areas Development. The RAHA programme was initiated in May 2009 by the Government of Pakistan in partnership with UN-agencies.[10]
SBP	State Bank of Pakistan
SAFRON	Ministry of States and Frontier Regions
SHARP	Society for Human Rights and Prisoners' Aid
Shanakhti passes	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.[11]
SSAR	Solution Strategy for Afghan Refugees. A regulatory framework for the management of Afghan refugees in Pakistan developed in 2011.[12]
Tazkera	Afghan identity document
TNN	Tribal News Network
ToR	Terms of Reference
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan

[5] Dawn, Kabul launches campaign to bring refugees back, 17 July 2016, url
[6] BBC News, What is Ashura?, 6 December 2011, url
[7] Express Tribune (The), Fight against terrorism: Defining moment, 25 December 2014, url
[8] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 3
[9] Dawn, Customs agents, Afghan students to get new cards, 8 July 2017, url
[10] RAHA Pakistan, Program document Moving forward 2014-2017, 2016, url, p. 9
[11] HRW, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, url, p. 19
[12] UNHCR, Solutions Strategy for Afghan Refugees: Regional Overview (Update 2015 - 2016), 10 October 2015, url, p. 8

UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
US	United States
USDOS	US Department of State
VoA	Voice of America
VRC	Voluntary Repatriation Centre
VRF	Voluntary Repatriation Form

Introduction

This report was drafted by a Country of Origin Information (COI) specialist from Cedoca, the Belgian COI unit, as referred to in the Acknowledgements 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)[13] and the EASO COI Writing and Referencing Style Guide (2019).[14]

The information gathered is a result of research using public, specialised paper-based and electronic sources until 15 April 2020. Some additional information was added during the finalisation of this report in response to feedback received during the quality control process, until 6 May 2020.

For the Terms of Reference (ToR) of this report, EASO and the COI Specialist Network on Pakistan provided input to Cedoca. Cedoca defined this ToR taking into account this input. The ToR for this report can be found in Annex 2 of this report.

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, December 2018.[15]

The report also draws on interviews conducted by the COI specialist from Cedoca with international organisations and local actors during its fact-finding mission in February 2020 in Islamabad and Peshawar. The Cedoca researcher, a specialist on Pakistan, conducted interviews with the following experts:

- Habib, N., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020. Noor Habib is an Afghan refugee based in Peshawar since 1979.
- Khan Kheshgi, K., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020. Khalid Khan Kheshgi is a staff reporter at the daily newspaper, The News International and reporter for Mashaal Radio.
- Khan, T.M., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 14 February 2020. Muhammad Tahir Khan is a senior Pakistani journalist, specialised in the theme of Afghan refugees in Pakistan.
- Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020 and email on 3 April 2020. Liaqat Banori is the executive director of the Society for Human Rights & Prisoners Aid (SHARP) in Islamabad.

[13] EASO, EASO Country of Origin Information (COI) Report Methodology, June 2019, url
[14] EASO, Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports, June 2019, url
[15] UNHCR, Operational Portal Refugee Situation- Statistics Afghan refugees in Pakistan, last updated: 18 March 2020, url; ADSP, On the margins: Afghans in Pakistan, December 2018, url

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 6 May 2020. 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[16] 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[17], Afghan Citizens Card (ACC) holders, unregistered[18] 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 the Afghan refugees and not the 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 the attitude of the Government of Pakistan towards Afghan refugees. A subsection is dedicated to the approach of the police towards Afghan refugees and a final subsection describes the freedom of movement of Afghan refugees in Pakistan. A final section of the first chapter describes the general attitude of Pakistan's population towards Afghan refugees.

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 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.

The third chapter provides information about the livelihood opportunities for Afghan refugees in Pakistan according to their legal status. It examines the access to education, employment and access to different services such as documents, healthcare, housing, land and property, financial and communication services and access to legal aid. Also, the possibility of marriage between Afghan refugees and Pakistan nationals and cross-border movement of Afghan refugees is described in this chapter.

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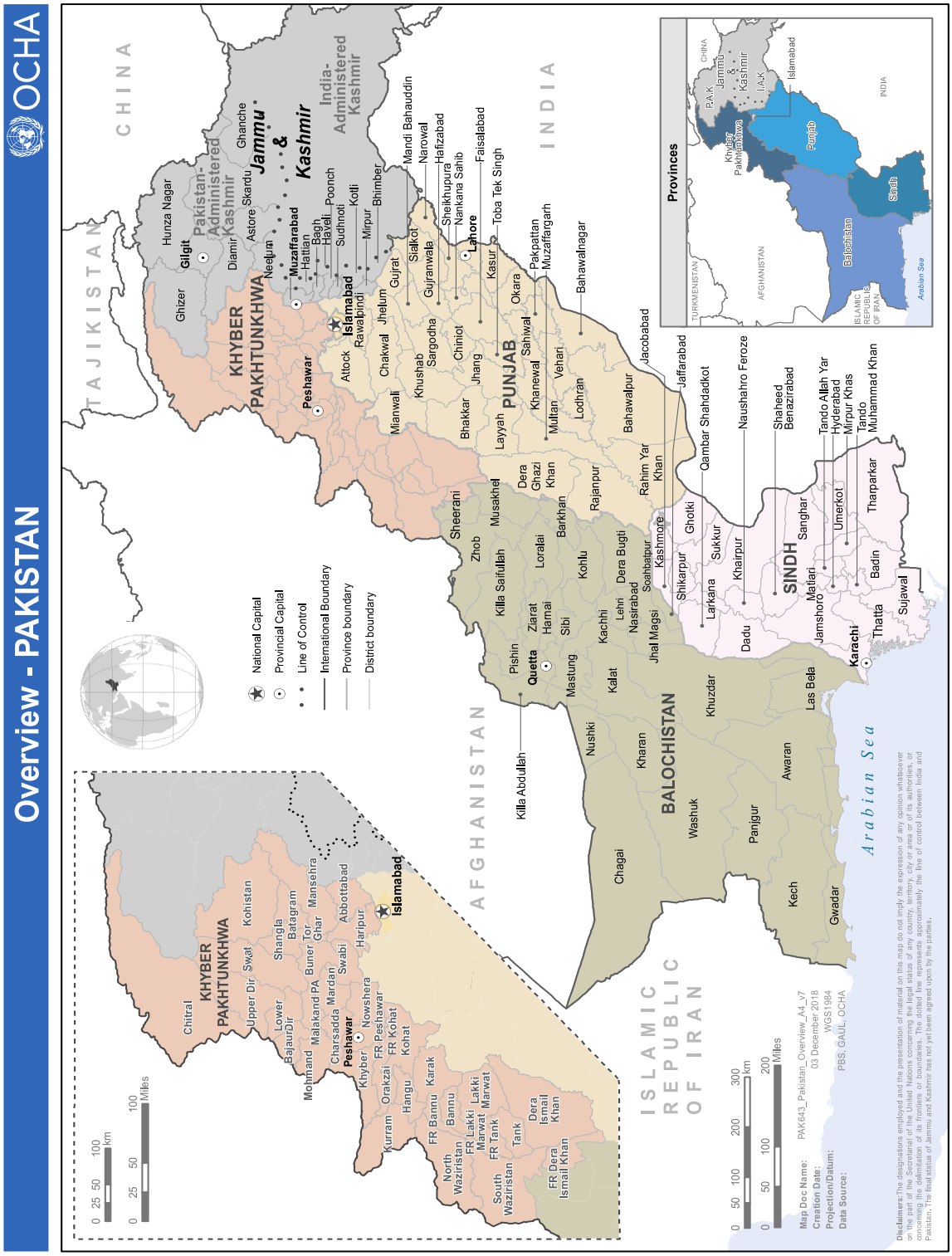
[16] The term refugee is technically not used in Pakistan. Pakistan is not a signatory to the United Nations Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention or the Geneva Convention) of 28 July 1951 and the Protocol Relating to the Status of Refugees of 31 January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

[17] 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

[18] In the sources sometimes referred to as 'undocumented Afghan refugees'. This report will use the term unregistered Afghan refugees. In 2017, Pakistan started to register a part of the unregistered 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 © UNOCHA[19]

[19] UNOCHA, Pakistan-Overview map [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.[20] The Durand Line was established in 1893 during negotiations between Sir Mortimer Durand, a British negotiator of the British Raj, and Abdur Rahman Khan, the Afghan Amir, in an attempt by the British to strengthen their control over the northern parts of India.[21] The Durand Line, the de facto border between Afghanistan and Pakistan, caused unrest between both nations.[22] Since 1947, none of the Afghan governments have recognised the legitimacy of the Durand Line as 'an official international border'.[23] On the other hand, the Government of Pakistan considers the Durand Line as the international border between Afghanistan and Pakistan.[24] The implementation of the Durand Line 'divided hundreds of thousands of people from their relatives and tribes on both sides of the border'.[25] According to Deutsche Welle, the ethnic Pashtuns, 'who live on both sides of the border and share historical, cultural and family ties', also do not recognise the Durand Line.[26]

Historically, there has always been movement of persons and groups across the border between the two countries.[27] According to a study by the Asia Foundation published in May 2019, the border between Pakistan and Afghanistan is 'notably porous and frequently traversed'.[28] The Kabul-based Afghanistan Analysts Network (AAN), in January 2020, stated that although the Durand Line divided two ethnic groups (the Pashtuns in the north and the Baloch in the south), both maintained their cross-border links and their right of freedom of movement. AAN stated that Afghan nationals travel 'in large numbers' to Pakistan.[29] According to the study by the Asia Foundation, there are many reasons why people from both countries cross the border for example for cross-border trade, marriage and other reasons.[30] In addition, Afghan nationals cross the border for work or business, on a daily basis or for a longer period. Others cross to visit their relatives, as millions of Afghan refugees still live in Pakistan or travel to Pakistan for education or medical treatment.[31]

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 thousand nomads, traders and families with historic connections across both sides of the border'. Larger movements of people

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[20] Middle East Institution, The Durand Line: A British Legacy Plaguing Afghan-Pakistani Relations, 27 June 2017, url
[21] Diplomat (The), Why the Durand Line Matters, 21 February 2014, url
[22] Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 24 March 2019, last updated: 7 June 2019, url
[23] Middle East Institution, The Durand Line: A British Legacy Plaguing Afghan-Pakistani Relations, 27 June 2017, url; Sabawoon, A.M., The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, url
[24] Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 24 March 2019, last updated: 7 June 2019, url
[25] Akbari, H., Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations, Global Security Review, 24 March 2019, last updated: 7 June 2019, url
[26] Deutsche Welle, Why the border can't separate Afghan and Pakistani Pashtuns, 3 June 2016, url
[27] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url
[28] Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, url, p. 5
[29] Sabawoon, A.M., The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, url
[30] Asia Foundation (The), Asia Foundation Border Study Analytical Report - Quantitative and Qualitative Research Study on Borderland Settlements in Afghanistan, 16 May 2019, url, p. 6
[31] Sabawoon, A.M., The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, url

leaving Afghanistan, mainly to the neighbouring countries of the Islamic Republic of Iran and Pakistan, started in 1979; by the end of 1979 there were over 400 000 Afghans in Pakistan.[32]

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 refugees from Afghanistan to Pakistan.[33]

On 27 April 1978, the so-called *Saur* Revolution brought the Afghan communists to power.[34] 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'.[35] According to UNHCR, by the end of 1979 there were 400 000 refugees displaced to Pakistan.[36] Reportedly a third of the Afghan population was displaced between 1978 and 2001.[37] Sanaa Alimia stated that between 1978 and 2011 four to five million Afghans have sought refuge in Pakistan.[38]

According to the Migration Policy Institute, Pakistan 'welcomed' the influx of Afghan refugees at first in the country.[39] Pakistan recognised seven 'mujahideen' factions who represented the Afghan opposition and gave them a role in the registration of refugees.[40] In the meantime, Pakistan received financial support from the international community and built refugee camps, though Pakistan used a part of the international aid to support the opposition groups.[41] Pakistan linked the 'refugee status'[42] to the membership of one of the seven 'mujahideen' factions. The different factions had control over the Afghan refugee camps and daily life in the camps became politicised.[43]

In 1989, the Soviet Union withdrew from Afghanistan. This event did not implicate an end to the conflict in Afghanistan. The different factions of the 'mujahideen' returned to Afghanistan, making competing claims to power and civil war started. Afghanistan's civil war and the advent of the Taliban reignited a new exodus of Afghans fleeing to Pakistan and Iran.[44] The attitude of Iran and Pakistan toward refugees changed and began to harden. Calls for the eventual return of all Afghans were growing in both countries. The support provided to the Afghan refugees in Pakistan by international nongovernmental organisations (NGOs) and UN agencies continued but in a reduced level compared to the 1980s.[45]

By 2001, the Taliban controlled almost the whole territory of Afghanistan.[46] A majority of the leaders of the Taliban had a background in the politicised Afghan refugee population in Pakistan. In this regard,

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[32] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url
[33] Middle East Research and Information Project, Afghanistan's Refugee Crisis, 24 September 2001, url; Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url
[34] Clark, K., An April Day that Changed Afghanistan 2: Afghans remember the 'Saur Revolution', 27 April 2018, url
[35] BBC News, Afghanistan profile – Timeline, September 2019, url
[36] UNHCR, Refugees Magazine Issue 108 (Afghanistan : the unending crisis) - The biggest caseload in the world, 1 June 1997, url
[37] Middle East Research and Information Project, Afghanistan's Refugee Crisis, 24 September 2001, url
[38] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url
[39] Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url
[40] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[41] Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url
[42] The term 'refugee' in Pakistan is not used. For more information, see chapter 1.2 Legal status, population and demography and 1.3 Laws and policies in Pakistan towards Afghan refugees of this report.
[43] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[44] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url
[45] Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url
[46] CFR, The Taliban in Afghanistan, last updated: 11 March 2020, url

the Taliban benefited of recruitment and support in Pakistan.[47] By the end of 2001 as a consequence of the September 11 attacks in the United States (US), they were ousted by a US-led military operation.[48]

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 the numbers range from 300 000 to 400 000 over the following years.[49] A part of the Taliban militants also went back to Pakistan and searched 'safe sanctuaries' among the Afghan refugee population in Pakistan.[50] Kristian Berg Harpviken, a research professor, examined the phenomenon of recruitment of militants among the Afghan refugee population by the Taliban. Berg Harpviken stated that recruitment of Afghan refugees in Pakistan was essential to the Taliban to get strongholds within Pakistan.[51] He stated further that 'the post-2001 Taliban mobilization was firmly rooted in the refugeehood that had characterized the past 20 years. Recruitment among exile Afghans in Pakistan, and in part also among recent returnees, was essential to the organization.'[52] On 17 February 2020, the second vice president of Afghanistan, Sarwar Danish, claimed at a conference held on Afghan refugees in Islamabad that Pakistan allowed the Taliban to recruit among the Afghan refugee population in Afghan refugee villages. The Prime Minister of Pakistan denied those accusations of 'safe havens' of militants but said that it is impossible to rule out that militants hide among the refugee population.[53]

A second, third and even a fourth generation of Afghan refugees is currently living in Pakistan. The majority of Afghan refugees are children and adolescents who are born and raised in Pakistan.[54] As of 17 February 2020, as a part of the UNHCR repatriation monitoring, registered Afghan returnees from Pakistan were asked about their time in displacement. 65 % of the respondents said they returned to Afghanistan after spending more than ten years in Pakistan while 32 % reported that they were born in Pakistan.[55]

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[56] (with a recognised status, meaning the PoR cardholders) and those without this status.[57] This differentiation is of importance to the protection, the rights and assistance that Afghan refugees receive and to which they may be entitled, as stated by the report by the Danish Refugee Council.[58] 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

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[47] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[48] CFR, The Taliban in Afghanistan, last updated: 11 March 2020, url
[49] Express Tribune (The), Pakistan's Afghan refugees: A timeline, 5 October 2016, url
[50] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[51] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[52] Harpviken Berg, K., The Afghan Taliban and Mujahedin: Archetypes of refugee militarization, 23 January 2019, url
[53] RFE/RL, Khan Tells Conference There Are No Militant Safe Havens In Pakistan, 17 February 2020, url
[54] Khan, M.A., Pakistan's urban refugees: steps towards self-reliance, February 2020, Forced Migration Review- Cities and Towns, url, p. 50; Pakistan Today, Top UN official due today, as Afghan refugees' stay nears end, 6 October 2018, url
[55] UNHCR, Afghanistan: Voluntary Repatriation Update (December 2019), 17 February 2020, url, p. 5
[56] 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
[57] Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, url, p. 16
[58] Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, url, p. 16; ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11

refugees, but with the Government of Pakistan always remaining in control of the management of refugees. 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'. To safeguard control over the refugee population, 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 parties appointed by the Government as responsible for refugee's registration. The source noted that, as a result of such decision, the 'UNHCR practice of *prima facie* recognition was effectively suspended.'[59] According to the ADSP study published in December 2018, UNHCR does not conduct group status determination or grants *prima facie* status to Afghans in Pakistan.[60] In a 2002 report Human Rights Watch stated that 'from late 1999 the government refused to consider newly arriving Afghans as *prima facie* refugees.'[61]

The Afghan refugees in Pakistan did not need to be in possession of legal documents until 2006. From 2006 until 2007 the Government of Pakistan, together with UNHCR started with the registration of Afghan refugees and issued PoR cards.[62] According to the study of ADSP the Afghan population living in Pakistan can be broadly divided into four categories.[63] The PoR cardholders are considered as registered refugees. In 2017, Pakistan started issuing Afghan Citizens Cards (ACC) to document a part of the unregistered Afghan refugees. Still, there are also unregistered Afghan refugees who are not in possession of any documents. A last category of the Afghans living in Pakistan are the ones holding an Afghan passport with a Pakistani visa.[64] Figure 1 gives an overview of the four main categories of Afghans living in Pakistan according to their legal status as described by the study of ADSP.

[59] UNHCR, Afghan refugees in Pakistan during the 1980s: Cold War politics and registration practice, 28 June 2008, url, pp. 5-9
[60] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 38
[61] HRW, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, url, p. 19
[62] Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, url, p. 16; UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 3
[63] This report follows the division according to legal status as stated by the study of ADSP
[64] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11; Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, url

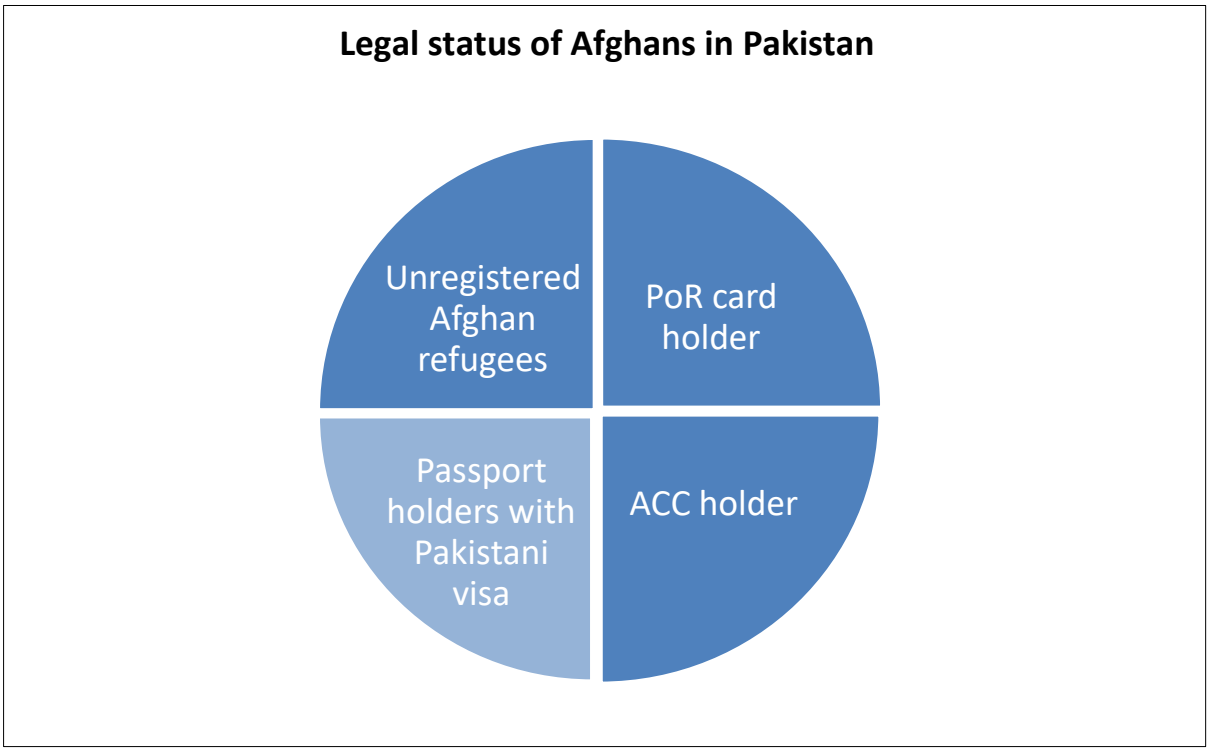

Figure 1: Afghans living in Pakistan according to their legal status © Cedoca (based on ADSP)[65]

1.2.2 Figures and place of residence

Liaqat Banori, the executive director of the Society for Human Rights & Prisoners Aid (SHARP), stated in an interview on 16 February 2020 during a Fact-Finding Mission of Cedoca that there is no proper and reliable data available on the population of Afghan refugees in Pakistan. He stated that the official figures are around 1.3 million registered Afghan refugees, 890 000 ACC holders and some 0.5 million are unregistered. According to his personal opinion, the actual number of Afghan refugees could be higher than the numbers given by UNHCR and the Government of Pakistan. According to Banori, this is due to the fact that many Afghan refugees abstained from the last census conducted in 2017 in Pakistan and that there is no count of newly born children of Afghan refugees available during this period, which unofficially claimed to be around 60 000 a year.[66] According to Sanaa Alimia, Pakistan hosts nearly three million Afghan refugees (registered and unregistered).[67]

Concerning the number of the Afghan refugee population, UNHCR stated as of 18 March 2020 that there are 1 420 673 registered Afghan refugees (210 465 households) living in Pakistan (see Figure 2).[68] Figure 2 gives an overview of the data collected by UNHCR of the Afghan refugee population in Pakistan since 2002 until 18 March 2020.

[65] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11
[66] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[67] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url
[68] UNHCR, Operational Portal Refugee Situation- Statistics Afghan refugees in Pakistan, last updated: 18 March 2020, url; UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url

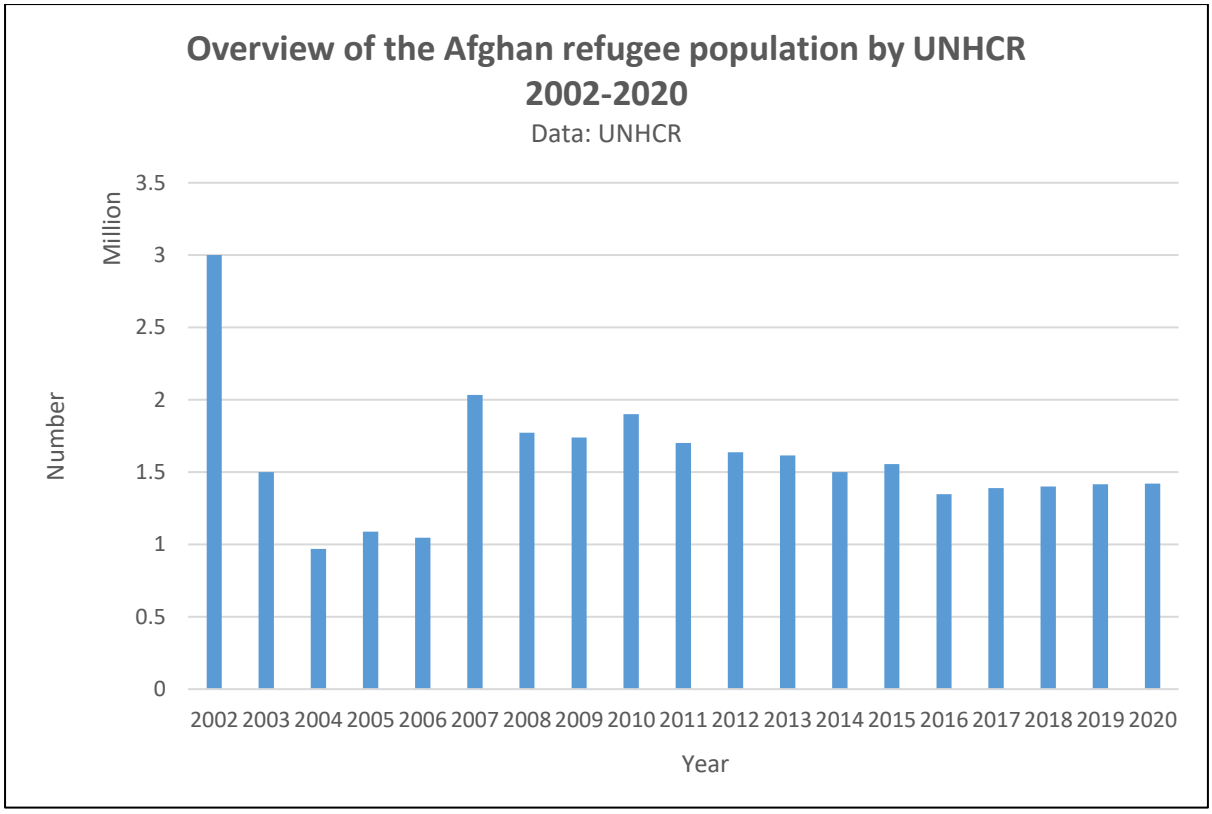

Figure 2: Overview of the Afghan refugee population in Pakistan 2002-2020 (until 18 March 2020) © Cedoca (based on data by UNHCR)[69]

The registered Afghan refugees (meaning the PoR cardholders) can be found living in so-called Afghan Refugee Villages (ARVs) or in urban settlements where they live together with the Pakistani population. The study by ADSP described that 'in general' only PoR cardholders are allowed to live in an ARV.[70] The same source further stated that PoR cardholders and other Afghan refugees are not obliged by the Government of Pakistan to have their residence in an ARV.[71] According to data by UNHCR, as of 18 March 2020, 31 % of the PoR cardholders live in an ARV and 69 % of the PoR cardholders live outside the ARVs.[72] As can be seen in Figure 3 the majority of the Afghan PoR cardholders live outside an ARV, for example in the provinces of Balochistan and Punjab (see Figure 3).[73]

In 2002, UNHCR stated that in the 1990s more than 300 ARVs were established in Pakistan.[74] According to data by UNHCR, as of 15 March 2020, there are in total 54 ARVs that are still open in Pakistan.[75] There are 43 ARVs established in the province of Khyber Pakhtunkhwa, 10 in the province of Balochistan and one in the province of Punjab.[76] According to data of UNHCR, as of 15 March 2020, the province of Khyber Pakhtunkhwa (58 %) has the highest number of registered Afghan refugees,

[69] UNHCR, Operational Portal Refugee Situation- Statistics Afghan refugees in Pakistan, last updated: 18 March 2020, url
[70] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url; ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11
[71] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 11
[72] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url
[73] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url
[74] United Nations, Afghan history, n.d., archived page from 6 June 2002 - 26 September 2019, url
[75] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url
[76] UNHCR, Pakistan: Overview of Afghan Refugee Population and UNHCR Operational Presence | as 31st of Jan, 2020, 14 February 2020, url

followed by the province of Balochistan (23 %), the province of Punjab (12 %) and the province of Sindh (5 %) (see Figure 3).[77]

Province	ARVs	Total PoR cardholders	% by location ARV	% by location urban settlement
Khyber Pakhtunkhwa (including former FATA)	43	824 904 (58 %)	46 %	54 %
Balochistan	10	325 395 (22 %)	15 %	85 %
Punjab	1	166 715 (12 %)	10 %	90 %
Sindh	/	64 890 (5 %)	/	100 %
Islamabad	/	34 462 (2 %)	/	100 %
Other locations	/	1 %	/	100 %

Figure 3: Area-wise breakdown of Afghan refugees (PoR cardholders) in Pakistan © Cedoca (based on data by UNHCR)[78]

Based on his own experience by visiting ARVs in Khyber Pakhtunkhwa, staff reporter at the News International in Peshawar, Khalid Khan Kheshgi, mentioned in an interview on 20 February 2020 during a Fact Finding Mission of Cedoca, that the Afghan refugees are leaving the ARVs because of a lack of basic facilities. The refugees that are staying are the ones who cannot afford to rent a house in the cities. According to Kheshgi's experience, the Afghan refugees prefer to rent a house in the big cities of Pakistan or to live in a *katchi abadi* (an informal settlement).[79]

The observation that Afghan refugees leave the ARVs was also made by Muhammad Tahir Khan, a senior Pakistani journalist. Tahir Khan stated during an interview on 14 February 2020 during a Fact-Finding Mission of Cedoca that the Afghan refugees are leaving the camps because of the fact that many camps are being dismantled. The Afghan people took control over the land when they came here. But the camps were almost built into the cities. The land was very expensive but it was given to the Afghan refugees. Many Afghan refugees returned. Local people want their land back but it is very expensive. The majority of the camps are closed now. According to Tahir Khan there are still camps that are open but more than 50 % or 60 % of the Afghan refugees have left the camps and the rest have moved to the cities.[80]

The Afghan news portal Tolonews reported in February 2020, based on IOM figures as of 4 July 2019, that Pakistan hosts 1.1 million unregistered Afghan refugees. Tolonews refers to those Afghan refugees who either hold or have registered for an ACC or have no documents at all. Among those considered unregistered, 549 000 Afghans hold an ACC, a further 333 000 have registered for an ACC and are in possession of tokens, and another 300-400 000 Afghans hold no legal documentation from

[77] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url
[78] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url; UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url
[79] Khan Kheshgi, K., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020
[80] Khan, T.M., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 14 February 2020

the Government of Pakistan at all.[81] IOM stated in a report published in September 2019 that between August 2017 and February 2018, the Government of Pakistan and IOM conducted an exercise to register unregistered Afghan refugees and this resulted in the fact that 879 198 unregistered persons applied in 21 different locations to receive an ACC (see Chapter 2.2.2 ACC holders).[82]

1.2.3 Demography

Data on gender, ethnicity and the place of origin in Afghanistan is only available for PoR cardholders. This data is provided by UNHCR. As of 18 March 2020, in an Afghan Refugee Info-graphic Update of UNHCR, it is stated that of the total number of PoR cardholders living in Pakistan 54 % are male and 46 % are female.[83] A further breakdown of the data as of 15 March 2020 shows that of the 46 % female PoR cardholders the majority are adult women (23 %), followed by girls (21 %) and elderly women (2 %). A further breakdown shows that of the 54 % male PoR cardholders the majority are adult men (28 %), boys (22 %), elderly man (3 %) (see Figure 4).[84]

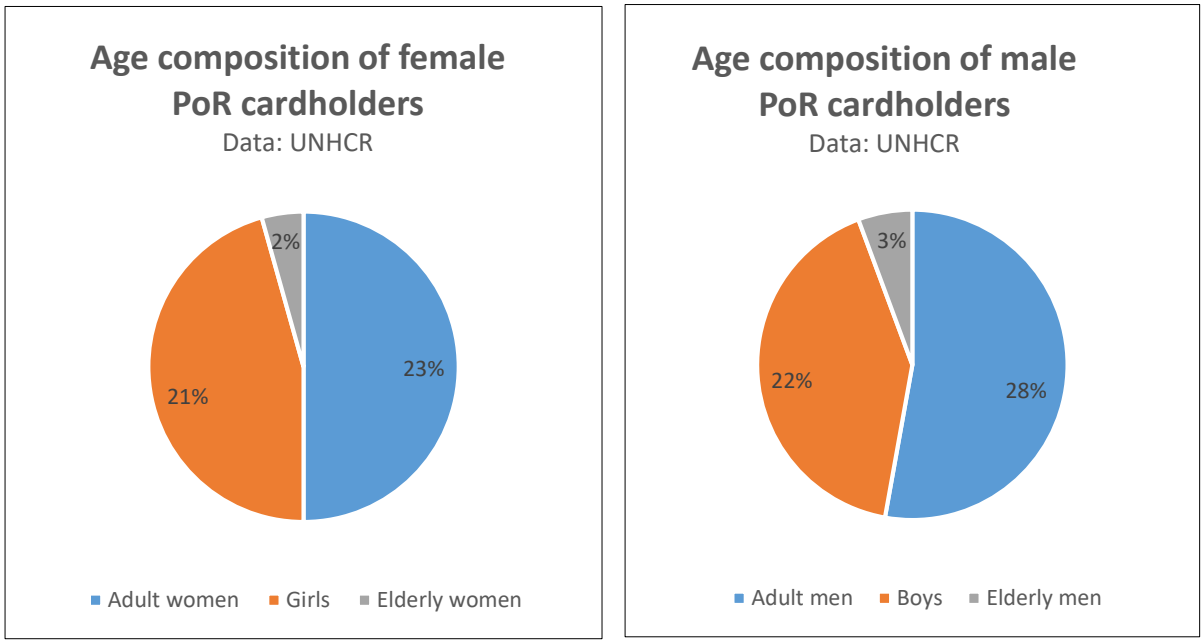

Figure 4: Age composition of female and male PoR cardholders © Cedoca (based on data by UNHCR)[85]

UNHCR provided on 18 March 2020 also a breakdown by ethnicity (see Figure 5). Those figures show that 85 % of the total number PoR cardholders are Pashtun, followed by Tajik (6 %), Uzbek (3 %), Hazara (2 %), Turkmen (1 %), Baloch (1 %) and other ethnicities.[86]

[81] Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, url
[82] IOM, Pakistan – Migration Snapshot (August 2019), 2 September 2019, url, p. 13
[83] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url
[84] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url
[85] UNHCR, Overview of Refugee Population in Pakistan – as of 15 March 2020, 24 March 2020, url
[86] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url

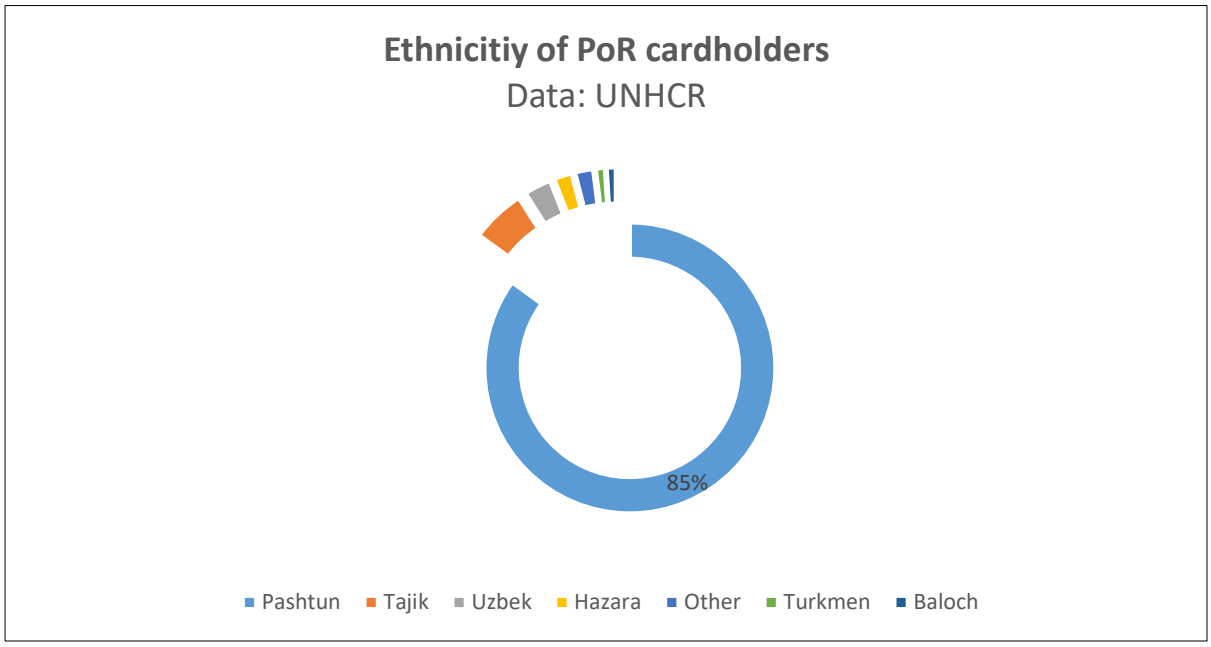

Figure 5: Ethnicity of PoR cardholders © Cedoca (based on data by UNHCR)[87]

UNHCR provided data on the province of origin in Afghanistan, as of 18 March 2020. Most PoR cardholders originate from the province of Nangarhar in Afghanistan, followed by the province of Kunduz and the province of Kabul (see Figure 6).[88]

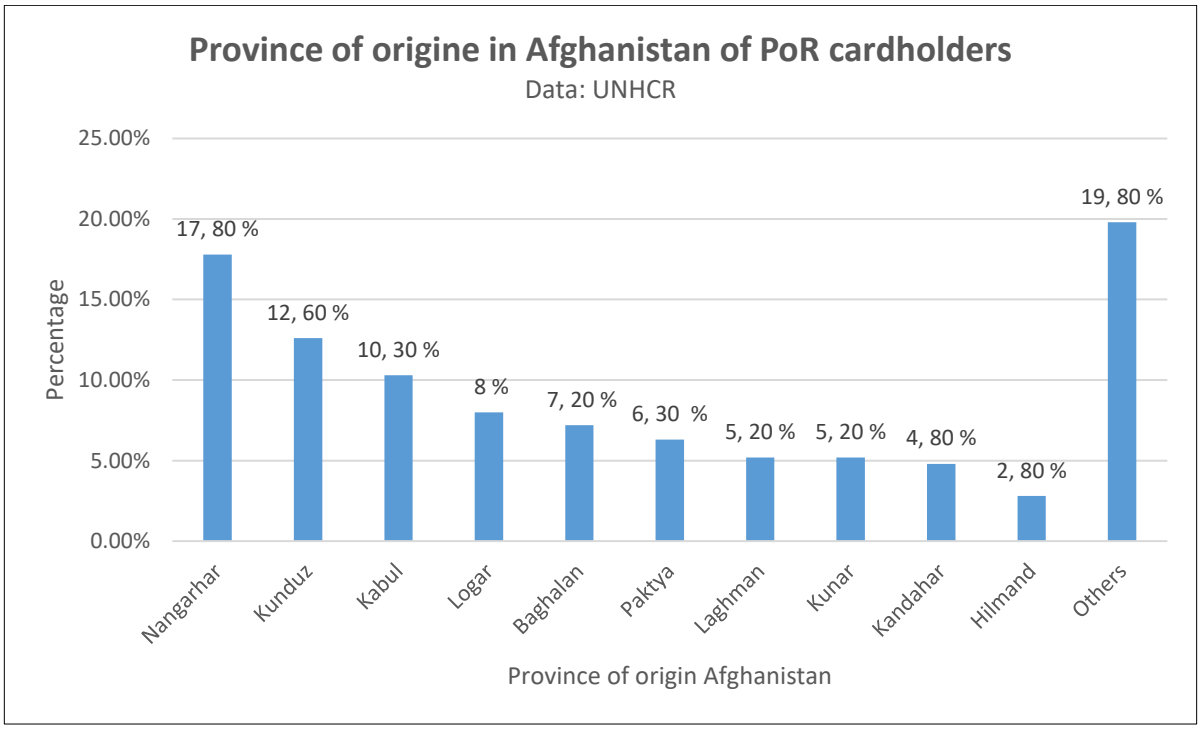

Figure 6: Province of origin in Afghanistan of PoR cardholders © Cedoca (based on data by UNHCR)[89]

[87] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url
[88] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url
[89] UNHCR, Pakistan - Afghan Refugee Info-graphic Update, Monthly Update (February 2020), 18 March 2020, url

1.3 Laws and policies in Pakistan towards Afghan refugees

1.3.1 Laws and policies

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.[90] The Government of Pakistan has no national legalisation concerning refugees and it has also no refugee law but Pakistan 'has generally respected international principles relating to refugee protection'.[91] The Foreigners Order of 1951, promulgated pursuant to the Foreigners Act, 1946 are the only laws pertaining to immigrants. The Foreigners Act, 1946 regulates the entry, stay and movement of foreigners. According to this law all foreigners without valid documentation, including refugees and asylum seekers, are subject to arrest, detention and deportation.[92] Afghan refugees were exempt from the Foreigners Act, 1946 due to a circular issued in July 1997. In February 2001, the Government of Pakistan issued another circular which stated that the Foreigners Act, 1946 applies to 'illegal' Afghan immigrants, not to 'refugees' and therefore Afghan 'refugees' are still subject to orders under the Foreigners Act, 1946 but they are not subject to the illegal entry and deportation provisions.[93] 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 unregistered are considered as illegal immigrants. According to the study of ADSP the unregistered Afghan refugees are subject to arrest and deportation under Section 14 of the Foreigners Act, 1946 and several associated criminal provisions. ADSP stated that since 2007, until the issuance of ACC in 2018, there was 'no major change in the legal status of Afghans living in Pakistan'.[94]

Since the first wave of Afghans seeking refuge in Pakistan in 1979 Pakistan received international support for the reception of the Afghan refugees.[95] Since 1979, UNHCR has been active in Pakistan.[96] In 1980, the Government of Pakistan established the Chief Commissionerate for Afghan Refugees (CCAR) in Islamabad, which is subject to the Ministry of States and Frontier Regions (SAFRON). The CCAR is charged with the administration and the management of all Afghan refugees in Pakistan. This includes the registered and unregistered Afghan refugees.[97] In a Pakistan Fact-sheet of February 2020 UNHCR stated that it works together with the Commissionerate for Afghan Refugees (CAR) at the federal and provincial level.[98]

The main policy of Pakistan toward Afghan refugees in Pakistan has been to encourage them to participate in Assisted Voluntary Repatriation (AVR) schemes.[99] In 2003, Pakistan signed a first of a series of Tripartite Agreements with the Government of Afghanistan and UNHCR to facilitate the repatriation of Afghan refugees in Pakistan.[100]

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[90] 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; UN, Treaty Series, 22 April 1954, vol. 189, url, p. 137

[91] UNHCR, Pakistan - Community Based Protection Strategy (2020-2022), 24 December 2019, url, p. 3

[92] CAMP, Accessing Justice for Registered Afghan Citizens Living in Pakistan: A Guide to Pakistani Institutions, Laws and Procedures, 2012, url, p. 56; 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

[93] CAMP, Accessing Justice for Registered Afghan Citizens Living in Pakistan: A Guide to Pakistani Institutions, Laws and Procedures, 2012, url, p. 56

[94] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 21

[95] Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url

[96] UNHCR, [Twitter], posted on: July 2011, url; United Nations Pakistan, Magazine, January 2018, url, p. 9

[97] CAR Punjab, Background, 2019, url

[98] UNHCR, Fact Sheet-Pakistan, 29 February 2020, url, p. 2

[99] Alimia, S., Afghan Refugees in Pakistan, 5 June 2019, url

[100] UNHCR, Pakistan - Livelihoods Strategy (2018–2021), 10 February 2020, url, p. 7

On 15 May 2009, the Refugees Affected and Hosting Areas Development (RAHA)-initiative was launched by the Government of Pakistan in cooperation with different UN-agencies.[101] 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'.[102] In 2011, the regional Solutions Strategy for Afghan Refugees (SSAR) was developed by the Islamic Republics of Afghanistan, Iran and Pakistan with the support of UNHCR, and endorsed by the international community in May 2012 in Geneva.[103] The RAHA-initiative became an integral component of the regional SSAR.[104] During 2016 the Government of Pakistan has reaffirmed its commitment to the SSAR at different international meetings.[105]

In February 2017, the Federal Cabinet of Pakistan endorsed the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.[106] According to the newspaper Dawn, this included a stricter implementation of immigration laws along the border with Afghanistan, requiring registered refugees to surrender their PoR cards before going back to Afghanistan and obtain visas to enter Pakistan again, besides extending the refugees' period of stay until December 2017.[107]

In 2018, Afghanistan and Pakistan expanded their bilateral cooperation on a variety of issues, including refugee protection and sustainable return and reintegration, under the Afghanistan Pakistan Action Plan for Peace and Solidarity (APAPPS).[108]

On 16 December 2019, UNHCR and the Governments of the Islamic Republic of Afghanistan, Iran and Pakistan initiated the SSAR Support Platform. The SSAR Support Platform supports additional resources and support for refugees in Iran and Pakistan.[109]

1.3.2 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 every of an external sovereign power accredited in Pakistan and is not a citizen of Pakistan; or (b) His father is an enemy alien and the birth occurs in a place then under occupation by the enemy.'[110]

No provision of law deals with the citizenship of refugees and especially, Afghan refugees in Pakistan.[111] 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 made efforts to naturalise in Pakistan as

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[101] RAHA Pakistan, Program document Moving forward 2014-2017, 2016, url, p. 9
[102] RAHA Pakistan, Program document Moving forward 2014-2017, 2016, url, p. 9
[103] 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
[104] RAHA Pakistan, Program document Moving forward 2014-2017, 2016, url, p. 9
[105] UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, url, p. 14
[106] UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, url, p. 13
[107] Dawn, Strict implementation of immigration laws on Afghan border, 8 February 2017, url
[108] UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, url, p. 11
[109] UNHCR, New SSAR Support Platform refocuses international attention on displaced Afghans, 19 December 2019, url
[110] Pakistan, Pakistan Citizenship Act, 1951 [Pakistan], 13 April 1951, Art. 4 url
[111] EUDO Citizenship Observatory Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School, Report on Citizenship Law Pakistan, December 2016, url, pp. 5-6

citizens, however, their claims were denied at administrative and judicial levels.[112] The newspaper 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 the Pakistan Citizenship Act, 1951.[113]

Section 3 of the Naturalization Act, 1926 stipulates that a person residing within Pakistan for five years within the preceding eight years, including the 12 months prior to the application, may acquire citizenship if they are of good character, can demonstrate knowledge of a local language and declare an intention to permanently reside in Pakistan.[114] Granting naturalisation is given by discretion of the Federal government.[115] According to the study of ADSP, Afghan refugees who fulfil the criteria have not been granted naturalisation by discretion of the Federal government.[116]

On 16 September 2018, Prime Minster 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.'[117] The reactions to the Prime Minister's speech were mixed. Human rights organisations welcomed this approach. Opposition parties in Pakistan reacted with a hostile response.[118] Imran Khan and his political party retracted granting citizenship to the Afghan refugees in the country.[119]

Article 10 of the Pakistan Citizenship Act, 1951 states that:

> '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.'[120]

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[112] EUDO Citizenship Observatory Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School, Report on Citizenship Law Pakistan, December 2016, url, pp. 5-6
[113] Express Tribune (The), Alien moves court for Pakistani citizenship, 8 March 2020, url
[114] Pakistan, Naturalization Act, 1926 [Pakistan], 26 February 1926, url, Article 10
[115] EUDO Citizenship Observatory Robert Schuman Centre for Advanced Studies in collaboration with Edinburgh University Law School, Report on Citizenship Law Pakistan, December 2016, url, p. 7
[116] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 39
[117] The Guardian, Pakistan's Imran Khan pledges citizenship for 1.5m Afghan refugees, 17 September 2018, url
[118] Dawn, Opposition attacks PM's statement on citizenship for children of refugees, 25 September 2018, url
[119] Nation (The), Facilitating Afghan Refugees, 27 February 2019, url
[120] Pakistan, Pakistan Citizenship Act, 1951 [Pakistan], 13 April 1951, Art. 10 url

A foreign man cannot acquire the citizenship of Pakistan on marrying a Pakistani woman.[121] This caused unrest among Pakistani women who were married with Afghan refugees when the Government of Pakistan sought to repatriate Afghan refugees in 2016 (see Chapter 3.4 Marriage).[122]

1.3.3 Treatment by the state of Pakistan

1.3.3.1 The attitude of the state of Pakistan towards Afghan refugees

Muhammad Tahir Khan, a senior Pakistani journalist, stated in an interview with Cedoca on 14 February 2020 that it has been Pakistan's policy not to forcibly expel Afghan refugees, however, Pakistan wants the refugees to return to Afghanistan as officials cite security challenges and burden on the country's economy. Khan stated that we have to bear in mind that Pakistan is hosting the Afghan refugees already for 40 years.[123]

Pakistan is the host of millions of Afghan refugees in the 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 welcomed them and Pakistan received help of the international community.[124] According to Amina Khan, researcher at the Institute of Strategic Studies (ISSI) in Islamabad, during the 1990s and especially in the year 2000 the international support for humanitarian relief declined and Pakistan's perspective towards the Afghan refugees changed. The Afghan refugee's situation has put a strain on the national resources and economy of Pakistan. The Government of Pakistan urged for repatriation of the Afghan refugees.[125]

The security impact of the presence of refugees and to attribute crimes, drugs and militancy to the Afghan refugees in Pakistan played also a role in the shifting attitude.[126] The attack on the Army Public School in Peshawar on 16 December 2014 encouraged Pakistan further to advocate for repatriation.[127] According to Omar Waraich, campaign director of Amnesty International (AI) for South Asia, 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".'[128] After the attack on 16 December 2014 the Government of Pakistan developed the National Action Plan (NAP). In the NAP point 19 stipulates 'the formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all refugees'.[129] In March 2015, the NADRA was tasked with the registration of unregistered Afghan refugees. This was a slow process. During 2015 Pakistan endorsed the commitment of voluntary repatriation of the refugees.[130] In the same timeframe the law enforcing agencies started a 'crackdown' against unregistered Afghans refugees. According to Dawn, thousands of Afghans were arrested under the NAP.[131]

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[121] Nation (The), Why is a Pakistani woman's citizenship still dependent on the verification of a 'male guardian'?, 12 September 2016, url
[122] Dawn, Women seek Pakistani nationality for their Afghan spouses, 6 September 2016, url
[123] Khan, T.M., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 14 February 2020
[124] Migration Policy Institute, Afghanistan: Displacement Challenges in a Country on the Move, 16 November 2017, url
[125] Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, Quarterly Journal Institute of Strategic Studies Islamabad, volume 37, number 1, Spring 2017, url, pp. 49-51
[126] Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, Quarterly Journal Institute of Strategic Studies Islamabad, volume 37, number 1, Spring 2017, url, p. 51; Khan Khattak, R., Afghan refugees and NAP, 2 November 2015, PIPS, url, p. 146
[127] Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, Quarterly Journal Institute of Strategic Studies Islamabad, volume 37, number 1, Spring 2017, url, p. 54
[128] AI, Pakistan: A chance to show leadership on refugee rights, 20 June 2019, url
[129] NACTA, National Action Plan, 2014, n.d., url, see point 19 of the National Action Plan
[130] Khan Khattak, R., Afghan refugees and NAP, 2 November 2015, PIPS, url, p. 148
[131] Dawn, Afghan govt seeks extension in stay of refugees in Pakistan, 30 May 2016, url

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.[132] Also, Jelena Bjelica remarked that ties between Pakistan and Afghanistan strained due to the growing bilateral ties between Afghanistan and India. According to testimonies of returning Afghan refugees hostility grew after the inauguration of the Salma Dam, a hydro-power station in Afghanistan's Herat province financed by India.[133] Additionally, Amina Khan stated that ties between Pakistan and Afghanistan deteriorated because of a border clash on 13 June 2016 whereby Afghan and Pakistani border guards at the Torkham border crossing exchanged fire.[134] In June 2016, new border rules were imposed by the Government of Pakistan (see Chapter 3.5 Cross-border movement).[135] In February 2017, the Federal Cabinet approved the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.[136]

In December 2019, at an informal session of informal Quadripartite (Q4) meeting held in Geneva, Pakistan agreed together 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.[137]

In February 2020, Muhammad Abbas Khan, the Commissioner of CAR in the province of Khyber Pakhtunkhwa, stated that the present refugee system of managing Afghan refugees in Pakistan needs to be review. Abbas Khan remarked that for managing the Afghan refugees in an efficient manner, the Government of Pakistan should think of implementing a national refugee law.[138]

On 17-18 February 2020, Pakistan together with UNHCR organised an international conference on 40 years of hosting Afghan refugees in the country. Throughout the years, international donors lost their interest in the repatriation of refugees. According to the newspaper Dawn Pakistan has been doing an appeal on international community to fulfil their commitment towards 'honorable and dignified repatriation' of Afghan refugees.[139]

1.3.3.2 The attitude of the police towards Afghan refugees

Detailed information on the capacity, integrity issues and abuse of power of the police and security forces in Pakistan is available in the EASO COI Report: Pakistan –Security situation (October 2019).

During the period 2015-2017 Human Rights Watch investigated the harassment of Afghan refugees by the police in Pakistan.[140] In a November 2015 report, Human Rights Watch stated that the enmity against Afghan refugees increased after the attack the attack on the Army Public School in Peshawar in December 2014. Since that moment, according to interviews of Afghan refugees documented by Human Rights Watch, the Pakistani police carried out raids on Afghan settlements, detained, harassed, and beat Afghan men, extorted bribes and demolished Afghan homes.[141] Both registered and

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[132] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[133] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[134] Khan, A., Protracted Afghan Refugee Situation: Policy Options for Pakistan, 10 April 2017, Quarterly Journal Institute of Strategic Studies Islamabad, volume 37, number 1, Spring 2017, url, p. 56
[135] Sabawoon, A.M., 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
[136] UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, url, p. 13
[137] Pakistan Today, Pakistan, Iran, Afghanistan, UNHCR seek repatriation of Afghan refugees, 11 October 2019, url
[138] Khan, M.A., Pakistan's urban refugees: steps towards self-reliance, February 2020, Forced Migration Review- Cities and Towns, url, p. 52
[139] Dawn, International conference to renew focus on Afghan refugees, 12 February 2020, url
[140] HRW, "What Are You Doing Here?" Police Abuses Against Afghans in Pakistan, 18 November 2015, url; HRW, For Afghan Refugees, There's No Going Back, 13 April 2017, url; HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url; HRW, Pakistan: Renewed Threats to Afghan Refugees 1 July 2016, url
[141] HRW, "What Are You Doing Here?" Police Abuses Against Afghans in Pakistan, 18 November 2015, url, p. 1; pp. 18-31

unregistered Afghan refugees experienced abuses by the Pakistani police.[142] A decrease in police abuses was seen during the last months of 2015.[143]

In a July 2016 report, Human Rights Watch noted more abuses by the Pakistani police against Afghan refugees between July and December 2016. The police arrested registered Afghan refugees, restricted the freedom of movement and arrested so-called illegal Afghan settlers.[144] According to Human Rights Watch in a February 2017 report, this was due to a media campaign exercised by the Pakistani authorities and the uncertainty about the extension of the stay of Afghan refugees.[145] Afghan refugees interviewed by Human Rights Watch stated that the police raided their homes at night, accused them of being or harbouring terrorists, threatened to split up families and deported them, arbitrarily detained them for hours or days at a time and regularly were bribed.[146]

The newspaper Dawn, citing documents of the Khyber Pakhtunkhwa government's Directorate of Prosecution and Department of Police, noted that only 1.3 % of the accused persons in criminal cases in the period 2014 until September 2016 were Afghan refugees. According to Dawn, while some cases of criminality in the province of Khyber Pakhtunkhwa were related to Afghan refugees, the belief that they are to blame for the majority of the crimes has been overemphasised.[147]

The annual report on human rights in Pakistan (covering 2018) published by the Human Rights Commission of Pakistan (HRCP), described that a perception still exists in Pakistan that all Afghan refugees are involved in criminal and terrorism related activities. HRCP mentioned that reporting of harassment by the police and local authorities continued.[148] According to the USDOS annual report on human rights practices in Pakistan (covering 2019), there were reports of harassment towards Afghan refugees by the police and the provincial authorities however the number was less than in previous years.[149]

UNHCR monthly update of the Legal Assistance and Aid Program published on 18 March 2020 collected data of the arrests and detentions by year of registered Afghan refugees (PoRcardholders).[150] Figure 7 shows the arrests and detentions since 2016 until 31 March 2020 of PoR cardholders. Figure 7 shows that most arrests and detentions of PoR cardholders occurred in the year 2016. Since 2016 the numbers of arrests and detentions are declining, except in 2019 where the number is slightly higher than in 2018.[151] From 1 January until 31 March 2020, 126 PoR cardholders were arrested according to data of UNHCR.[152]

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[142] HRW, "What Are You Doing Here?" Police Abuses Against Afghans in Pakistan, 18 November 2015, url, p. 1
[143] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 13
[144] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 15
[145] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 17, p. 15
[146] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, pp. 18-19
[147] Dawn, KP prosecution data gives lie to claims against Afghan refugees, 15 January 2017, url
[148] HRCP, State of Human Rights in 2018, March 2019, url, p. 237
[149] USDOS, Country Report on Human Rights Practices 2019 - Pakistan, 11 March 2020, url, p. 29
[150] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1
[151] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1; UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, pp. 2- 3
[152] UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, pp. 2-3

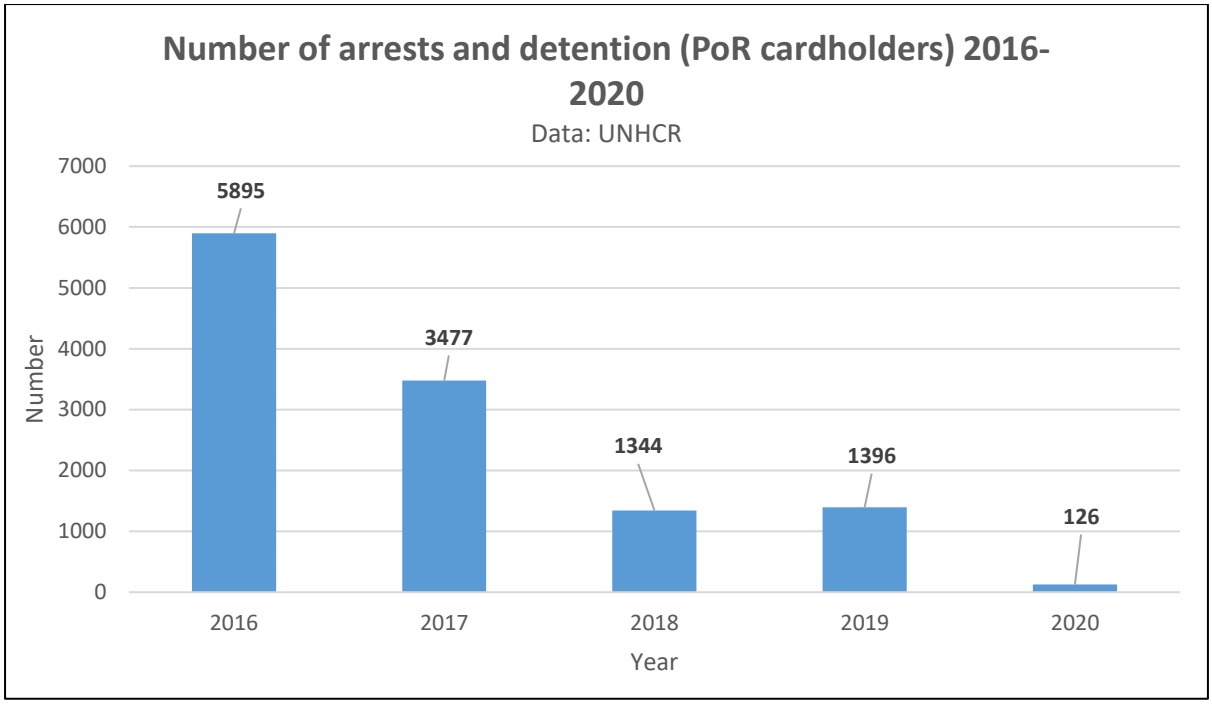

Figure 7: Arrests and detentions PoR cardholders 2016 – 2020 (31 March 2020) © Cedoca (based on data of UNHCR)[153]

According to Liaqat Banori, SHARP deals mostly with police harassment cases. The police harass Afghan refugees and demand bribes and money. SHARP tries to intervene to release the Afghan refugees before there is a formal charge. SHARP brings the support but if they are charged and brought before the court (not in criminal cases because SHARP does not support that) then the legal teams help them in court proceedings. It is pertinent to mention according to Banori that since the inception of the new government in Pakistan[154] the protection issues considerably reduced because a yearlong extension of PoR cards and other socio-political issues in the country.[155] Khalid Khan Kheshgi interviewed many Afghans before the instalment of the current government. Kheshgi stated that the police or other law-enforcing personnel stop or check everyone at check posts, including Afghan refugees. When they have proper documents (for example Afghan refugees with PoR cards), the police and or other law-enforcing personnel will leave them alone. But if they do not have proper documents, they will ask for money and bribes. They have their own purposes to perform controls at check posts.[156]

Liaqat Banori stated that 2019 is the first year that the harassment has reduced because of the government's policy and because of the fact that the PoR cards were extended until 30 June 2020. Earlier they used to face more harassment because the police were not notified of the extensions. SHARP has to approach the authorities to inform them about the extension of the time period.[157]

According to data of UNHCR most arrests in 2019 (1 396 arrests) were made without any charges (66 %), followed by arrests under preventive and rental restriction laws (2 %) and arrests under The Foreigners Act, 1946 (10 %).[158] According to data of UNHCR in its monthly update of the Legal Assistance and Aid Program published on 18 March 2020, most arrests in the period January-February 2020 (102 arrests) were made without any charges (79 %), followed by arrests under preventive and

[153] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1; UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, p. 2
[154] Liaqat Banori means the government installed under Prime Minister Imran Khan in July 2018.
[155] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[156] Khan Kheshgi, K., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020
[157] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[158] UNHCR, Pakistan: Summary of Legal Assistance and Aid Programme, 1 January -31 December 2019, 20 January 2020, url

rental restriction laws (11 %) and arrests under The Foreigners Act, 1946 (10 %).[159] According to data of UNHCR, the majority of the arrests and detentions of PoR cardholders in 2019 occurred in the province of Khyber Pakhtunkhwa.[160]

As stated by UNHCR, a percentage of the arrests and detentions of PoR cardholders occurred under the Foreigners Act, 1946.[161] The Foreigners Act, that legislates the unauthorized stay of foreigners, stipulates that all foreigners without valid documentation, including refugees and asylum seekers, are subject to arrest, detention and deportation (see also Chapter 1.3.1 Laws and policies).[162] A 2012 report of the organisation Community Appraisal and Motivation Programme (CAMP) stated that also PoR cardholders have been arrested, detained and deported, especially those who did not have their PoR card on their person at the relevant time, or had lost it.[163]

In April 2019, the News International reported that the police orchestrated a campaign in Peshawar in the province of Khyber Pakhtunkhwa to arrest and deport those who are having connections with criminal groups. The police arrested 46 Afghans who were residing illegal in Pakistan. The cases were registered under the Foreigners Act, 1946.[164]

1.3.3.3 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;[…][165]

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, (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.'[166]

According to the ADSP study, in the early years of the influx of Afghan refugees into Pakistan the government allowed freedom of movement.[167] UNHCR noted that the PoR card provides the holders with freedom of movement.[168] A September 2018 report of the Danish Refugee Council stated that there is no official law regulating the freedom of movement or imposing 'embargo areas' for registered or unregistered Afghan refugees.[169] The report noted the following:

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[159] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1
[160] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 2
[161] UNHCR, Pakistan- Legal Assistance and Aid Program Update, Monthly Update (February 2020), 18 March 2020, url, p. 1
[162] Pakistan, The Foreigners Act, 1946 (Act XXXI of 1946), 23 November 1946, including amendments as of 28 April 2016, url
[163] CAMP, Accessing Justice for Registered Afghan Citizens Living in Pakistan: A Guide to Pakistani Institutions, Laws and Procedures, 2012, url, p. 56
[164] News International (The), 46 Afghans arrested for living illegally in Peshawar, 3 April 2019, url
[165] Pakistan, The Foreigners Act, 1946 (Act XXXI of 1946), 23 November 1946, including amendments as of 28 April 2016, Art. 3 section 2(e), url
[166] Pakistan, Foreigners Order, 1951, 26 October 1951, Art. 11, url
[167] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 38
[168] UNHCR, Pakistan: Afghan Refugees Registration Update |January, 2020, 14 February 2020, url, p. 1
[169] Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, url, p. 22

'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. In contrast to Iran, in Pakistan there are no official regulations that limit freedom of movement or embargo areas for the Afghans whether refugees, those with 'subsidiary' protection (such as the ACC), and the undocumented.'[170]

The ADSP study explained that PoR cardholders living outside the 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.[171] All other Afghan refugees are able to travel to other areas but those without documents are at risk to apprehension when they travel outside of their place of residence.[172]

In an article published in January 2016, Human Rights Watch stated that because of police abuses, the Afghan refugees restricted their movements, 'leading to economic hardship and curtailing access to education and employment'.[173]

At the end of June 2016, the provincial government spokesman in Khyber Pakhtunkhwa, Mushtaq Ghani, warned that from the start of 1 July 2016, 'all Afghan refugees will be restricted to their camps and will not be allowed to move freely in the province.'[174]

An article published by Anadolu Agency in January 2018, stated that in light of a possible extension for a period of only 30 days of the PoR cards and the fear that the cards would not be extended, the Afghan refugees decided to restrict their movements outside the camps.[175]

In December 2018, the provincial government spokesman in Khyber Pakhtunkhwa, Ajmal Khan Wazir, stated that 'there is no sanction on movement of Afghan refugees in Pakistan, however the criminal elements would be dealt with iron hands.'[176]

The Afghan news portal Pajhwok Afghan News reported that on 1 March 2019 a ten-day ban was imposed on the movement of Afghan refugees outside their refugee villages in Kohat in the province of Khyber Pakhtunkhwa.[177]

In April 2020, due to the outbreak of the COVID-19 pandemic in Pakistan there were reports that ARVs in some districts were placed under quarantine and this had an impact on the freedom of movement. This was the case for ARVs in Nowshera and Lower Dir. The district administration and the Pakistan Army closed the bazaar, medical stores and shops. The military personnel were deployed at entry and exit routes of the ARV in Nowshera. The Timergara ARV in Lower Dir has been voluntarily locked down by the residents of the ARV.[178]

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[170] Danish Refugee Council, Protection for forcibly displaced Afghan populations in Pakistan and Iran, September 2018, url, p. 22
[171] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 20
[172] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 20
[173] HRW, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, url
[174] Dawn, Over 2,000 Afghan refugees arrested in Peshawar: KP police, 28 June 2016, url
[175] Anadolu Agency, Afghan refugees in Pakistan reluctant to return home, 6 January 2020, url
[176] Express Tribune (The), 'No restriction on movement of Afghan refugees', 12 December 2018, url
[177] Pajhwok Afghan News, Curbs on movement of Afghans in Kohat lifted, 5 March 2019, url
[178] MENAFN, Pakistan- Afghan refugees camps in Nowshera, Lower Dir sealed, 9 April 2020, url

1.3.4 General attitude of the Pakistan population towards Afghan refugees

The study of ADSP stated that in recent years the Afghan refugee population in Pakistan has been associated with terrorism and security issues. This association influenced the opinion of the Pakistani population.[179]

The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reported in a Humanitarian Bulletin of September 2016 that 'many returnees cited increased pressures by authorities and host communities.'[180] In a February 2017 report, Human Rights Watch reported about the hostility of the Pakistani community towards Afghan refugees. Human Rights Watch noted from interviews with Afghan refugees in Pakistan 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.[181]

In June 2019, 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.'[182] 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.[183]

According to Khalid Khan Kheshgi, in general the Pakistani population does not have problems with the Afghan refugees living in Pakistan. Most Pakistani people in rural areas have friendly relationships with the Afghan refugees because they work on their fields. 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. Among those people there is a sense of jealousy.[184]

Liaqat Banori stated that he is not aware of disputes between the Afghan refugees and Pakistani communities and described the relations between both communities as 'peaceful'. Bearing in mind that Pakistan hosts such a big number of refugees for almost four decades, the overall environment among refugees and host communities is cordial and no big issues ever appeared at communities' level, which is a positive sign according to Banori.[185]

Muhammad Abbas Khan, the Commissioner of CAR in the province of Khyber Pakhtunkhwa, stated in February 2020 that there are some frictions between the host and refugee communities due to 'competition over limited resources'.[186]

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[179] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 7
[180] UNOCHA, Afghanistan Humanitarian Bulletin Issue 56 | 01-30 September 2016, 30 September 2016, url, p. 5
[181] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 26
[182] TNN, KP govt opposes further extension in stay of Afghan refugees, 9 June 2019, url
[183] TNN, Villagers ask govt to vacate Afghan refugees' camp in Buner, 29 June 2019, url
[184] Khan Kheshgi, K., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020
[185] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[186] Khan, M.A., Pakistan's urban refugees: steps towards self-reliance, February 2020, Forced Migration Review- Cities and Towns, url, p. 51

2. Documentation of registered and unregistered Afghan refugees

2.1 Registered Afghan refugees

2.1.1 PoR cardholders

History

In a 2002 Human Rights Watch report, it was 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.[187]

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.[188]

In April 2006, a MoU on the Registration of Afghan Citizens in Pakistan was signed between the Government of Pakistan and UNHCR. The National Database and Registration Authority (NADRA) was responsible for the registration. Staff from UNHCR monitored the registration process. Staff from the Afghan Ministry of Refugees and Repatriation (MORR) 'was also involved in assisting with the registration and monitoring process'. Bio-metrics 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.[189] A 2007 article in the New Humanitarian reported that in December 2006 it had been decided that all Afghans holding documented evidence of living in Pakistan at the time of the census should participate in the registration process.[190]

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 provinces of Punjab and Khyber Pakhtunkhwa to refine the process. A first phase started on 15 October 2006 and lasted until 31 December 2006 and was exercised in the whole country. A second registration phase took place from 4 January 2007 until 15 February 2007.[191] According to UNHCR, between 1 October 2006 and 15 February 2007 2 153 088 Afghans were registered, so it lacked 30 % of the census total because 582 535 persons were repatriated and 313 645 persons did not register.[192] More than 1.5 million PoR cards (for all Afghans aged five years and above) were printed and distributed in 2007.[193] In February 2007, all concerned parties agreed to link the PoR card to new voluntary repatriation modalities and to an enhanced reintegration package when returning to Afghanistan.[194] UNHCR stated that registered Afghans with a PoR card were granted temporary protection.[195]

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[187] HRW, Closed Door Policy: Afghan Refugees in Pakistan and Iran, February 2002, url, p. 19
[188] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 3
[189] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 3
[190] New Humanitarian (The), UN cautions on Afghan refugee camp closures, 17 January 2007, url
[191] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 3
[192] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 4
[193] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 2
[194] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 2
[195] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 2

Registration process and modifications

The NADRA was also responsible for issuing the PoR cards[196] All registered Afghans received a PoR card 'with biometric and personal data'.[197] A database (maintained by the NADRA) was established which contained the demographic data and biometric data of all Afghan refugees for whom a PoR card was issued.[198] From February 2014 until the end of 2014 a renewal exercise of the PoR cards was conducted. All PoR cards that expired in December 2012 were replaced by new PoR cards. In a second phase, from July 2014 until the end of 2014, NADRA registered and issued PoR cards to around 150 000 children born to registered parents in the previous five years.[199] After this renewal process in 2014, no new cards[200] were issued to Afghans, except to children of PoR cardholders. Children of registered Afghan refugees are entitled to their own PoR cards when they reach the age of five years.[201]

It is possible to make modifications to a PoR card. In 2008, UNHCR stated that four centres opened nationwide to update and modify PoR cards. The PoR card modification centres (PCM) were opened in Peshawar, Haripur, Quetta and Karachi. The centres are run by the NADRA, CCAR and UNHCR.[202] The purpose of the PCM centres is to update, correct or modify the details enlisted on the PoR cards. These modifications include mistakes in the spelling of names and dates of birth, the inclusion of newborn children and children who turned five years. Damaged, stolen or lost PoR cards can also be replaced. UNHCR stated that in case of modifications, valid documents must be presented, such as birth certificates, a Basic Health Unit (BHU) card/vaccination card, school certificates, driving licenses, passports, a refugee camp card or marriage certificates.[203] Mobile registration vans were also deployed to remote areas to alter PoR cards.[204]

In its Afghan Refugees PoR card Registration Update, covering the month of January 2020, UNHCR reported that there are four PCM centres now located in Peshawar, Quetta, Karachi and Rawalpindi. On 17 March 2020, UNHCR announced that the four PCM centres have been closed temporally due to the outbreak of COVID-19.[205] In December 2019, UNHCR announced a new policy for the collection of all undelivered modified PoR cards. The policy requires that PoR cardholders who wish to modify their cards will be given 13 months to collect their issued cards from the PCM centres. If they fail to collect their modified PoR cards within this timeframe, their cards shall be withdrawn and these PoR cardholders will be deregistered from the NADRA database, leading to cancellation of their 'refugee status'.[206]

Validity of the PoR cards

The PoR cards issued to Afghans in the period from 1 October 2006 until 15 February 2007 had initially a validity until the end of December 2009.[207] The Government of Pakistan extended the validity of the cards until 31 December 2012.[208] In December 2012, the Government of Pakistan, in view of the

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[196] UNHCR et al., Registration of Afghans in Pakistan 2007, 2007, url, p. 2
[197] UNHCR, The Global Report 2006, 30 June 2007, url, p. 365
[198] NADRA, Afghan National Registration, n.d., url
[199] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url; UNHCR, NADRA with support from UNHCR has delivered 50 percent of the new POR cards to Afghan refugees, 1 May 2014, url
[200] The PoR-cards were never physically replaced with new cards
[201] HRW, Pakistan: Stop Forced Returns of Afghans, 21 February 2015, url
[202] UNHCR, Afghans now able to update, modify identification in Pakistan, 10 November 2008, url
[203] UNHCR, Afghans now able to update, modify identification in Pakistan, 10 November 2008, url
[204] UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (January 2020), 14 February 2020, url, p. 1
[205] UNHCR, Proof of Registration Card Modification Centres close temporarily in Pakistan, 17 March 2020, url
[206] UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (January 2020), 14 February 2020, url, p. 2
[207] Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, url
[208] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url

worsening security situation in Afghanistan extended the cards until 30 June 2013.[209] In July 2013, the Government of Pakistan announced the Tripartite Commission Agreement governing the voluntary return of Afghans and extended the validity of the PoR cards until the end of December 2015.[210] A renewal exercise of the PoR cards followed.[211] The renewal exercise occurred in two phases. In a first phase from February 2014 until the end of June 2014, all PoR cards that expired in December 2012 were replaced by new PoR cards. The Patriot stated in February 2014 that in a second phase from July 2014 until the end of 2014, NADRA registered and issued individual PoR cards to 150 000 children born to registered parents in the previous five years, and more than 330 000 Afghan children below the age of eighteen received birth certificates.[212] Since the renewal exercise in 2014, only new PoR cards are being issued to children of PoR cardholders.[213] In 2018 and 2019, extensions of the PoR cards were announced through notifications of the Government of Pakistan.[214]

On 16 December 2014, militants affiliated with the Tehrik-e Taliban attacked the Army Public School in Peshawar in the province of Khyber Pakhtunkhwa and killed 141 people, the majority of whom were children.[215] The attack on the Army Public School and the cordial relationship between India and Afghanistan changed the attitude of the Government of Pakistan towards Afghan refugees. According to an article of AAN in December 2016, the enmity between Pakistan and Afghanistan was manifested in many ways, resulting in 'soft and hard pressure'. This also had an impact on the extension policy of the PoR cards. The extensions that followed were only for a short period of time.[216]

In January 2016, Pakistan extended the validity of the PoR cards until 30 June 2016.[217] In June 2016, the PoR cards were prolonged by six months until 31 December 2016. In September 2016, the Government decided to extend the validity until March 2017.[218] In the following months in 2017 and 2018 the extension was only granted for short periods of time (see also Figure 8).[219] In the beginning of 2018 tensions rose between Afghanistan and Pakistan and the Government of Pakistan stated that there would be no extension granted after 31 January 2018. According to an article of AAN in January 2018, the uncertainty about the extension of the PoR cards caused anxiety within the Afghan government and the return issue was placed high on the agenda. The return of a huge influx of Afghan refugees would put an 'enormous pressure' on Afghanistan. International organisations working with refugees and returnees made efforts to help reach an agreement between both governments on this issue.[220]

The PoR cards were extended after January 2018 until March 2018, again extended until 30 June 2018 and again until 30 September 2018.[221] In October 2018, the Government of Pakistan prolonged the

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[209] Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, url
[210] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url
[211] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url
[212] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url; UNHCR, NADRA with support from UNHCR has delivered 50 percent of the new POR cards to Afghan refugees, 1 May 2014, url
[213] HRW, Pakistan: Stop Forced Returns of Afghans, 21 February 2015, url
[214] SHARP, Notification for Extension in PoR and ACC cards, 30 June 2019, url; SHARP, Interim Notification by SAFRON for PoR cards expiry, 2 July 2018, url; SHARP, Notification for PoR card extension, 31-Mar, 14 February 2018, url; SHARP, Notification: Extension of ACC Cards, 30 March 2019, url
[215] BBC News, Pakistan Taliban: Peshawar school attack leaves 141 dead, 16 December 2014, url
[216] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[217] HRW, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, url
[218] Dawn, Afghan refugees get another stay extension, 10 September 2016, url
[219] SHARP, E-Newsletter Jan-Mar 2017, Issue no. 05, March 2017, url; Xinhua, Afghanistan seeks up to one-year extension of refugees' stay in Pakistan, 9 January 2018, url; Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, url; Nation (The), UNHCR lauds Afghan refugees' PoR cards extension, 20 March 2018, url; UNHCR, Pakistan-Afghan Refugees PoR card Registration Update, Monthly Update (June 2018), 18 July 2018, url
[220] Sabawoon, A.M. and Bjelica, J., Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, url
[221] Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, url; Nation (The), UNHCR lauds Afghan refugees' PoR cards extension, 20 March 2018, url; UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (June 2018), 18 July 2018, url

validity until 30 June 2019.[222] In June 2019, the PoR cards were prolonged until 30 June 2020 (see Figure 8).[223]

Overview of the extension of the validity of PoR cards	
Originally issued PoR cards 2006-2007	PoR cards with validity until December 2009[224]
September 2010	PoR cards valid until 31 December 2012[225]
January 2013	Six months extension given until 31 June 2013[226]
August 2013	PoR cards renewed until 31 December 2015[227]
January 2016	Six months' extension given until June 2016[228]
June 2016	Six months' extension until 31 December 2016[229]
September 2016	Three months' extension until 31 March 2017[230]
24 February 2017	PoR cards extended until 31 December 2017[231]
January 2018	PoR cards extended until 31 January 2018[232]
31 January 2018	PoR cards extended with 60 days (March 2018)[233]
March 2018	PoR cards extended until 30 June 2018[234]
June 2018	PoR cards extended until September 2018[235]
October 2018	PoR cards extended until 30 June 2019[236]
June 2019	PoR cards extended until 30 June 2020[237]

Figure 8: Table overview of the extension of the validity of PoR cards[238]

[222] UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 5 October 2018, url
[223] Express Tribune (The), Afghan refugees allowed to stay in Pakistan for another year, 28 June 2019, url
[224] Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, url
[225] Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url
[226] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[227] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[228] HRW, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, url
[229] Dawn, Afghan refugees get another stay extension, 10 September 2016, url
[230] Dawn, Afghan refugees get another stay extension, 10 September 2016, url
[231] SHARP, E-Newsletter Jan-Mar 2017, Issue no. 05, March 2017, url
[232] Xinhua, Afghanistan seeks up to one-year extension of refugees' stay in Pakistan, 9 January 2018, url
[233] Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, url
[234] Nation (The), UNHCR lauds Afghan refugees' PoR cards extension, 20 March 2020, url
[235] UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (June 2018), 18 July 2018, url
[236] UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 5 October 2018, url
[237] Express Tribune (The), Afghan refugees allowed to stay in Pakistan for another year, 28 June 2019, url
[238] Pajhwok Afghan News, In Pakistan, Afghan refugees' blues, 25 June 2015, url; Patriot (The), NADRA to issue renewed PoR cards to 1.6 million Afghan refugees, 26 February 2014, url; Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url; HRW, Pakistan: Extend Afghan Refugee Status Through 2017, 16 January 2016, url; Dawn, Afghan refugees get another stay extension, 10 September 2016, url; SHARP, E-Newsletter Jan-Mar 2017, Issue no. 05, March 2017, url; Xinhua, Afghanistan seeks up to one-year extension of refugees' stay in Pakistan, 9 January 2018, url; Pajhwok Afghan News, Pakistan extends Afghan refugees' stay for 2 months, 1 February 2018, url; Nation (The), UNHCR lauds Afghan refugees' PoR cards extension, 20 March 2020, url; UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (June 2018), 18 July 2018, url; UNHCR, UNHCR welcomes Pakistan's decision to extend stay of Afghan refugees, 5 October 2018, url; Express Tribune (The), Afghan refugees allowed to stay in Pakistan for another year, 28 June 2019, url

2.2 Unregistered Afghan refugees

2.2.1 Unregistered Afghan refugees

Approximately 500 000 Afghans are living in Pakistan without a PoR card or an ACC according to the Commissioner of the CAR, cited in the news portal Xinhua.[239] The Government of Pakistan considers these unregistered Afghans as 'illegal immigrants'. According to the report of ADSP, the unregistered Afghans could be arrested and prosecuted under the relevant provisions of Pakistani law. According to ADSP no 'punitive' measures have been announced for unregistered Afghans.[240] The Express Tribune stated in February 2020 that there is no data available in the province of Sindh about persons of Afghan origin, including registered, unregistered and those classified as illegal migrants. Therefore, the Government of Sindh plans to document all registered, unregistered and illegal Afghan migrants residing in the province of Sindh.[241]

2.2.2 ACC holders

The registration of unregistered Afghan refugees in Pakistan was a part of the Comprehensive Policy on the Repatriation and Management of Afghans, which was endorsed by the Federal Cabinet of Pakistan in February 2017. On 20 July 2017, the Government of Pakistan initiated a pilot project in Islamabad and Peshawar to register Afghan refugees who were not in possession of documents.[242] On 16 August 2017, the project was extended to all provinces in Pakistan.[243] Initially, this project had a duration of six months and would be concluded in December 2017.[244] Unregistered Afghans who registered under this project were provided with an ACC.[245] Because of security reasons around *Muharram* in September 2017 the registration was suspended for two weeks in the province of Khyber Pakhtunkhwa.[246] In January 2018, IOM announced on Twitter that the registration period was prolonged until 31 January 2018.[247]

The ACC provides unregistered Afghans with certain benefits, such as legal protection from arbitrary arrest, detention or deportation under the Foreigners Act, 1946. The card allows Afghans to stay in Pakistan for the time being, until they can obtain documents such as passports issued by the Government of Afghanistan, according to the study of ADSP.[248]

The NADRA, SAFRON and the MORR supervised the project with support from IOM and UNHCR.[249] A statement of IOM published in September 2017 explained the documentation process. Together with CCAR, IOM launched an information campaign through print media and radio to raise awareness among unregistered Afghan refugees. IOM provided also technical support and deployed staff to various documentation centres across Pakistan to monitor the process and inform authorities about the challenges.[250] NADRA has set up 21 centres across Pakistan to implement the programme.[251] The newspaper the Nation stated that officials of the Government of Afghanistan would also present in

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[239] Xinhua, Feature: Int'l attention could bring better life to Afghan refugees in Pakistan, 16 February 2020, url
[240] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 14
[241] Express Tribune (The), Sindh govt to register Afghan migrants, 9 February 2020, url
[242] UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, url
[243] UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, url
[244] Dawn, Registration of undocumented Afghans starts today, 16 August 2017, url
[245] UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, url
[246] TNN, Registration of Afghan refugees suspended in KP during Muharram, 23 September 2017, url
[247] IOM Pakistan, [Twitter], 4 January 2018, url
[248] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 7
[249] UNHCR, Afghans dream of stepping out of the shadows with Pakistan ID scheme, 21 July 2017, url
[250] IOM Pakistan, UN Migration Agency Supports Pakistan's Registration of Undocumented Afghans, 19 September 2017, url
[251] IOM Pakistan, UN Migration Agency Supports Pakistan's Registration of Undocumented Afghans, 19 September 2017, url

the documentation centres.[252] According to TNN, citing a statement of SAFRON, all unregistered Afghan nationals were able to apply for an ACC, free of cost. To apply for the ACC, the Afghan nationals could show any document to prove their identity. The statement said further that Afghans in the possession of PoR cards do not require an ACC.[253]

A report of the Australian Government-Department of Foreign Affairs and Trade (DFAT), published in February 2019, described the registration process in detail. According to this report, the NADRA does a biometric verification and cross checks applicants in the existing identification databases (Computerized National Identity Card (CNIC)-database and PoR card database). The MORR conducts an interview with the applicants. ACCs are issued once both the Pakistan and Afghan governments are convinced of the Afghan identity of an applicant.[254] DFAT remarked that about 6 000 PoR cardholders were denied ACCs after performing biometric checks. Due to conflicting PoR card status or fraudulent applications 15 % of the 878 604 ACC applicants were likely to be rejected in January 2018 at the closure of the registration. Single males under 18 years were refused registration.[255] Once a person is registered and found eligible, that person receives a 'No Objection Certificate' (also known as a 'token'), while waiting to receive a printed ACC.[256]

In November 2017, the newspaper Dawn, citing an official of the NADRA, stated that approximately 40 to 45 % of the applicants for an ACC were Afghan passport holders.[257] Dawn stated further that despite registering 370 000 unregistered Afghan nationals the NADRA did not deliver the cards.[258] In November 2017, UNHCR stated that the ACCs would be issued in March 2018.[259]

IOM stated in a report published in September 2019 that between August 2017 and February 2018, 879 198 unregistered Afghans applied for an ACC.[260] The Afghan news portal Tolonews reported in February 2020, citing IOM figures, that approximately 549 000 Afghans hold an ACC and 333 000 Afghans are in the possession of tokens.[261]

According to the newspaper Dawn in November 2018, the Pakistan government requested that Afghan refugees in possession of an ACC were to be repatriated by December 2018.[262] A notification on the website of SHARP, published on 30 June 2019, stated that the validity of the ACCs has been extended until 31 October 2019.[263] In an email to Cedoca on 3 April 2020, Banori stated that the validity of the ACCs was extended until March 2020 and was again extended for two months until May 2020.[264]

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[252] Nation (The), Govt to issue Afghan Citizen cards to illegal refugees, 19 July 2017, url
[253] TNN, Citizen Card scheme launched for illegal Afghan refugees, 18 July 2017, url
[254] DFAT, Country Information Report Pakistan, 20 February 2019, url, p. 31
[255] DFAT, Country Information Report Pakistan, 20 February 2019, url, p. 32
[256] DFAT, Country Information Report Pakistan, 20 February 2019, url, p. 32
[257] Dawn, Nadra yet to issue cards to 370,000 registered Afghans, 13 November 2017, url
[258] Dawn, Nadra yet to issue cards to 370,000 registered Afghans, 13 November 2017, url
[259] UNHCR, UNHCR Monthly Protection Trends Reporting Concerning Afghan Refugees | November 2017, November 2017, url, p. 1
[260] IOM, Pakistan – Migration Snapshot (August 2019), 2 September 2019, url, p. 13
[261] Tolonews, Pakistan to Host Conference on Afghan Refugees, 10 February 2020, url
[262] Dawn, Pakistan, Afghanistan agree to follow timeline for refugees return, 8 November 2018, url
[263] SHARP, Notification for Extension in PoR and ACC cards, 30 June 2019, url
[264] Banori, L., email, 3 April 2020

2.3 Return

2.3.1 General

The influx of returning Afghan refugees from Pakistan to Afghanistan is closely linked to the evolution of Pakistan's policy concerning Afghan refugees[265], the internal security dynamics, the relationship between Pakistan and Afghanistan, the ties between Afghanistan and India and the extension of the validity of the PoR cards, according to multiple sources.[266]

After the fall of the Taliban in 2001 in Afghanistan, many Afghan refugees returned to Afghanistan with the support of UNHCR, international donors and the Afghan government.[267] In March 2002, a UNHCR-funded repatriation programme for refugees started.[268] A BBC News article stated that Pakistani and UN officials said that the 'take-up was slow' in 2002.[269] In 2007, after a part of the Afghan refugees received PoR cards, the number of voluntary returns decreased and declined further until 2015 according to an article of AAN which cited IOM, UNHCR and OCHA.[270] Pakistan issued various deadlines for the Afghan refugees to leave the country, but the deadlines were often 'long-term and not enforced because UNHCR wanted any repatriation to be voluntary' (see Figure 8).[271] After the attack on the Army Public School in Peshawar in December 2014 Pakistan's attitude towards the Afghan refugees changed and resulted in different measures.[272] From December 2015 onwards, Pakistan set short-term extensions for PoR cardholders (see Figure 8).[273] According to multiple reports of Human Rights Watch, uncertainty about the residency status of Afghan refugees in Pakistan has encouraged police harassment, threats and extortion in 2015 and throughout 2016.[274]

In 2015 and 2016 the relationship between Afghanistan and India improved. The renewed ties between both countries made Pakistan hostile towards Afghan refugees and a spike in returns was seen in the second half of 2016.[275] In July 2016, the Afghan government announced the *Khpal Watan, Gul Watan* campaign.[276] This campaign was set up to encourage the Afghan refugees to return to Afghanistan.[277]

In January 2018, Pakistan again threatened not to prolong the validity of the PoR cards (see Chapter 2.1.1 PoR cardholders).[278] The newspaper the Express Tribune stated in January 2018 that this was due to an increasing 'hostile attitude' of Afghanistan and pressure tactics of the United States.[279] Following Pakistan's decision of 3 January 2018 to extend the PoR cards for one month only, a representative of IOM told AAN that the Afghan government came up 'with a contingency plan', which

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[265] BBC News, The reverse exodus of Pakistan's Afghan refugees, 28 August 2016, url
[266] BBC News, The reverse exodus of Pakistan's Afghan refugees, 28 August 2016, url; Sabawoon, A.M. and Bjelica, J., Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, url; Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[267] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[268] UNHCR, Mass Information documents on repatriation to Afghanistan, February 2009, url, p. 1
[269] BBC News, The reverse exodus of Pakistan's Afghan refugees, 28 August 2016, url
[270] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[271] BBC News, The reverse exodus of Pakistan's Afghan refugees, 28 August 2016, url
[272] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[273] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[274] HRW, "What Are You Doing Here?" Police Abuses Against Afghans in Pakistan, 18 November 2015, url; HRW, Pakistan: Renewed Threats to Afghan Refugees 1 July 2016, url
[275] Bjelica, J., Caught Up in Regional Tensions? The mass return of Afghan refugees from Pakistan, 22 December 2016, url
[276] Translation: my country, my beautiful country or the grass is green in my land; Dawn, Kabul launches campaign to bring refugees back, 17 July 2016, url
[277] Dawn, Kabul launches campaign to bring refugees back, 17 July 2016, url
[278] Dawn, No more extension in stay of Afghan refugees, 17 January 2018, url
[279] Express Tribune (The), Govt advised against forced repatriation of Afghan refugees, 28 January 2018, url

included 'proactive diplomacy' and 'advocacy for gradual voluntary return'.[280] At the end of January 2018, the Government of Pakistan extended the validity of the PoR cards for 60 days.[281] At the time of writing of this report, PoR cardholders can stay in Pakistan until 30 June 2020 (see Figure 8).[282]

A study published in January 2020 by the NGO Internal Displacement Monitoring Centre (IDMC)[283] and supported by the German Federal Foreign Office described the distinction between forced and voluntary returns as sometimes unclear.[284] The study referred to the situation of the return conditions of Afghan refugees in 2016. IDMC cited an official of the MORR who claimed that 'almost 1,000 people every day' were deported. IDMC stated that a large part of the returns in 2016 were considered involuntary.[285]

The following sections in this chapter describe the figures of returnees and the return conditions for registered and unregistered Afghan refugees in Pakistan.

2.3.2 Return of registered Afghan refugees

Since March 2002, UNHCR facilitated the voluntary repatriation of Afghan refugees from Pakistan. By the end of the year 2002, UNHCR made the return of about 1.5 million Afghans from Pakistan possible.[286] UNHCR asked in a statement in May 2002 that the Government of Pakistan would bring an end to incidents of police harassment, forced evictions and extortion of Afghan refugees.[287] In March 2003, UNHCR signed the Tripartite Agreement Governing the Repatriation of Afghan Citizens Living in Pakistan (the Tripartite Agreement) with Afghanistan and Pakistan to provide a legal and operational framework for voluntary refugee returns.[288]

In May 2012, UNHCR and the Governments of Pakistan, Iran and Afghanistan signed the Solutions Strategy for Afghan Refugees (SSAR). The strategy aims to assist host countries, to support voluntary repatriation and sustainable reintegration of Afghan refugees in Afghanistan.[289] In March 2015, UNHCR made a pledge to help Pakistan and Afghanistan raise money to implement the Enhanced Voluntary Return and Reintegration Package (EVRRP).[290] In 2013 and 2014, return numbers of Afghan refugees from Pakistan to Afghanistan decreased (see Figure 9). To counter this, UNHCR has proposed complementing the USD 200 UNHCR cash grant for returning refugees with a USD 3 000 grant for each family, irrespective of the size of the family.[291]

In 2016, the attitude of the Government of Pakistan changed and this resulted in shorter extension periods for PoR cardholders and harassment of Afghan refugees. According to Human Rights Watch 'hundreds of thousands of Afghan refugees and undocumented Afghans were unlawfully coerced out of Pakistan.'[292] Human Rights Watch ousted critics on the work method of UNHCR, stating that 'UNHCR

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[280] Sabawoon, A.M. and Bjelica, J., Still Caught in Regional Tensions? The uncertain destiny of Afghan refugees in Pakistan, 31 January 2018, url
[281] UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (June 2018), 18 July 2018, url
[282] Express Tribune (The), Afghan refugees allowed to stay in Pakistan for another year, 28 June 2019, url
[283] IDMC is part of the NGO Norwegian Refugee Council (NRC)
[284] IDMC, A different kind of pressure: The cumulative effects of displacement and return in Afghanistan, 15 January 2020 url, p. 11
[285] IDMC, A different kind of pressure: The cumulative effects of displacement and return in Afghanistan, 15 January 2020 url, p. 11
[286] UNHCR, Mass Information documents on repatriation to Afghanistan, February 2009, url, p. 1
[287] UNHCR, UNHCR, Pakistan address complaints from harassed Afghan refugees, 24 May 2002, url
[288] UNHCR, Afghanistan tripartite agreement with Pakistan, 18 March 2003, url
[289] UNHCR, Solutions Strategy for Afghan Refugees: Regional Overview (Update 2015 - 2016), 10 October 2015, url, p. 8
[290] UNHCR, 2015-2017 Protection Strategy Pakistan: External, n.d., url, p. 4
[291] UNHCR, Enhanced Voluntary Return and Reintegration Package for Afghan Refugees (EVRRP): Funding Proposal, March 2015, url, p. 4
[292] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 5

failed to call for an end to coercive government practices.'[293] Human Rights Watch also criticised the fact that UNHCR doubled the cash grant for returnees in June 2016.[294]

According to the newspapers Dawn and Daily Times in June 2019, UNHCR and Pakistan and Afghanistan agreed on a 12-point joint declaration on conclusion of the Tripartite Commission meeting which discussed safe and honourable voluntary repatriation of Afghan refugees.[295]

Registered Afghan refugees (with a PoR card) are eligible to repatriate with the help of UNHCR. Afghans without a PoR card or with an expired validity date are not entitled to any return assistance from UNHCR.[296] According to a December 2019 report of UNHCR, UNHCR currently has two Voluntary Repatriation Centres (VRCs) in Quetta (Baleli) and Nowshera (Azakhel).[297] According to UNHCR, counselling is provided for Afghans who want to return, to ensure the voluntary nature of the return, following which their return to Afghanistan is scheduled. UNHCR also conducts an exit questionnaire to understand the profiles of individuals wishing to return, the push and pull factors, special needs and the intended place of return. In May 2018, UNHCR has strengthened its monitoring process of returns at the border. This includes a returnee interview, which allows UNHCR to gather information on any protection issues faced between the time the families depart the VRC and the moment they arrive at the border.[298]

Afghans who want to repatriate are de-registered at the VRC and their PoR card is cut in the corner.[299] They also need to sign a Voluntary Repatriation Form (VRF)[300] at a VRC. In order to obtain a VRF, a declaration must be signed which states the returnee's decision to return voluntarily to Afghanistan; the returnee also needs to confirm the details of his/her family. VRFs cannot be changed. At the time of issuance, it must be ensured that all information is correctly noted. Upon arrival in Afghanistan, they must approach the nearest Encashment Centre within seven days from their departure to receive, against one of the copies of the VRF, their cash grant.[301] In Afghanistan there are three Encashment Centres (ECs) located in the provinces of Kabul, Jalalabad and Kandahar for Afghan refugees returning from Pakistan.[302]

UNHCR stated in February 2020 that at the ECs returnees with a valid VRF receive a cash grant averaging USD 200 per person (based on their area of origin) to support their immediate humanitarian needs and transportation costs. Additionally, they receive basic health and malnutrition screening and vaccination, information about mine risk awareness, information on school enrolment and overnight accommodation.[303] In June 2016, UNHCR has doubled the cash grant from USD 200 to USD 400.[304] In April 2017, UNHCR has reduced the cash grant to the original amount of USD 200.[305]

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[293] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 45
[294] HRW, Pakistan Coercion, UN Complicity The Mass Forced Return of Afghan Refugees, 13 February 2017, url, p. 49
[295] Dawn, Accord on dignified repatriation of Afghan refugees, 19 June 2019, url; Daily Times, Pakistan, Afghanistan urge world to come forward to help refugees, 19 June 2019, url
[296] UNHCR, Frequently Asked Questions Voluntary Repatriation of Afghan Refugees from Pakistan, 2015, 2016, url, p. 1
[297] UNHCR, Pakistan-Voluntary Repatriation of Afghans from Pakistan, Monthly Update (November 2019), 24 December 2019, url, p. 1
[298] UNHCR, Pakistan-Voluntary Repatriation of Afghans from Pakistan, Monthly Update (November 2019), 24 December 2019, url, p. 1
[299] UNHCR, Pakistan-Voluntary Repatriation of Afghans from Pakistan, Monthly Update (November 2019), 24 December 2019, url, p. 1
[300] A VRF is a document issued by UNHCR to returning Afghans confirming their intent to return voluntarily to Afghanistan with the assistance of UNHCR and facilitating their safe travel and provision of assistance in Afghanistan. UNHCR, Frequently Asked Questions Voluntary Repatriation of Afghan Refugees from Pakistan, 2015, 2016, url, p. 3
[301] UNHCR, Frequently Asked Questions Voluntary Repatriation of Afghan Refugees from Pakistan, 2015, 2016, url, p. 3
[302] UNHCR, Afghanistan: Voluntary Repatriation Update - December 2019, 17 February 2020, url, p. 2
[303] UNHCR, Afghanistan: Voluntary Repatriation Update - December 2019, 17 February 2020, url, p. 2
[304] UNHCR, UNHCR doubles grant for registered Afghan refugees opting to return to Afghanistan, 29 June 2016, url
[305] Al Jazeera, UN cuts cash grant to Afghan refugees in Pakistan, 2 April 2017, url

In the winter period of 2019/2020 in Pakistan the voluntary repatriation operations were suspended. UNHCR stated on 2 March 2020 that the voluntary repatriation programme for registered Afghan refugees resumed on 2 March 2020 after a three-month winter break at Azakhel, Nowshera in Khyber Pakhtunkhwa. Voluntary returns from Baleli, Quetta would be resumed a week later.[306] On 17 March 2020, UNHCR published a statement that the voluntary repatriation of Afghan refugees from Pakistan has been suspended after the country temporarily closed the border crossing at Torkham and Chaman with Afghanistan due to the outbreak of COVID-19.[307] In mid-April 2020, Voice of America (VoA) cited figures of UNHCR that tens of thousands of Afghan refugees have crossed the border from Pakistan.[308]

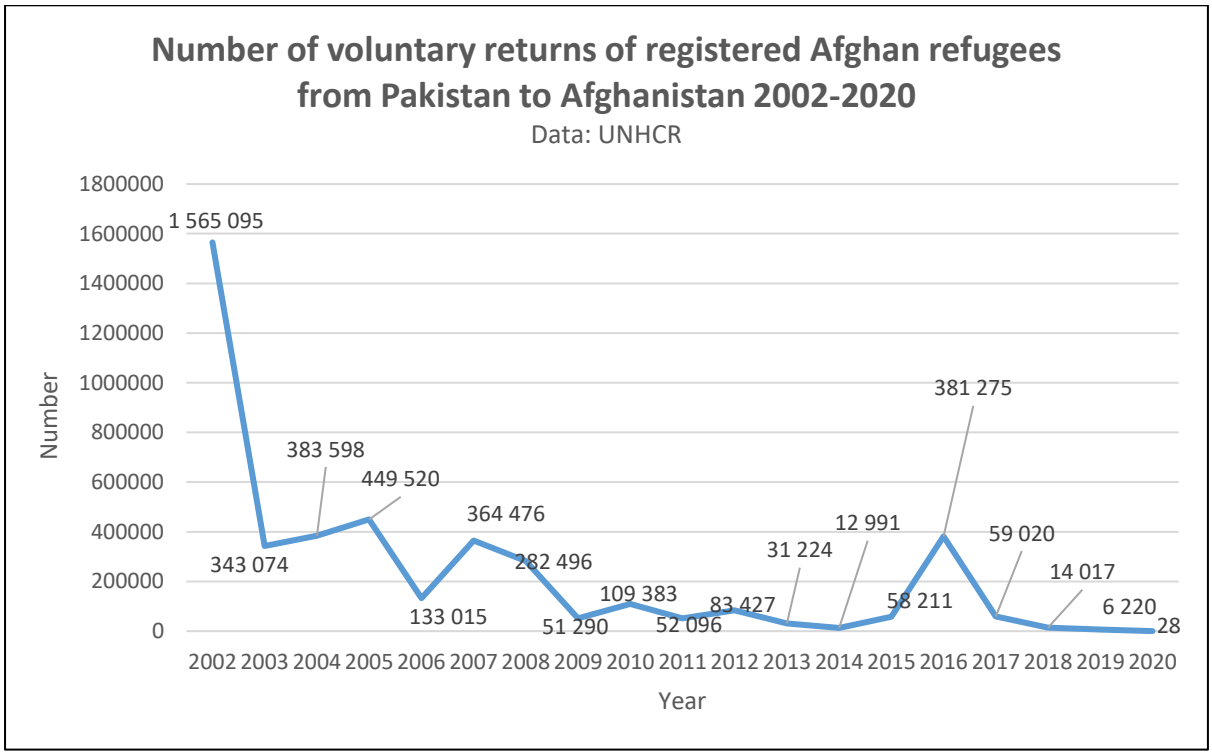

Figure 9: Number of voluntary returns of registered Afghan refugees from Pakistan to Afghanistan 2002-2020 (until 13 March 2020) © Cedoca (based on data of UNHCR)[309]

Figure 9 shows the number of voluntary returns of registered Afghan refugees from Pakistan to Afghanistan. The data was provided by UNHCR until 13 March 2020. Figure 9 shows a peak of returns to Afghanistan in the year 2016. From 2017 onwards there is a noticeable decline.[310] From 1 to 13 March 2020, UNHCR facilitated the voluntary repatriation of 28 individuals through the voluntary repatriation centre in Azakhel.[311] It has to be noted that in the winter period 2019/2020 in Pakistan, voluntary return was suspended[312] and in a statement of 17 March 2020 UNHCR announced that due to the outbreak of COVID-19 voluntary return is suspended until further notice.[313]

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[306] UNHCR, UNHCR's voluntary repatriation programme for Afghan refugees resumed, 2 March 2020, url
[307] UNHCR, Voluntary repatriation for Afghan refugees suspended temporarily, 17 March 2020, url
[308] VOA, Returning Refugees Could Spread Coronavirus in Afghanistan, UN Warns, 15 April 2020, url
[309] UNHCR, Operational Portal Refugee Situation- Statistics Afghan refugees in Pakistan, last updated: 18 March 2020, url; UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, p. 3
[310] UNHCR, Operational Portal Refugee Situation- Statistics Afghan refugees in Pakistan, last updated: 18 March 2020, url; UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, p. 3
[311] UNHCR, Pakistan: Protection Trends January - March 2020, 1 April 2020, url, p. 3
[312] UNHCR, UNHCR's voluntary repatriation programme for Afghan refugees resumed, 2 March 2020, url
[313] UNHCR, Voluntary repatriation for Afghan refugees suspended temporarily, 17 March 2020, url

2.3.3 Return of unregistered Afghan refugees

In a statement of May 2017, IOM stated that since 2012, at the Torkham border crossing, it has been providing 'post-arrival humanitarian assistance' to unregistered Afghan returnees. According to IOM in May 2017, at the Torkham Transit Center the returnees receive humanitarian support such as food, temporary accommodation and medical care.[314] In reception centres at the border the refugees are screened and registered. Then they get a referral to the IOM transit centres for some basic humanitarian support which also includes a small transportation grant for travelling to their destination in Afghanistan.[315]

Since 2015, IOM collects data of unregistered Afghan refugees who return to Afghanistan.[316] Figure 10 shows the return of unregistered Afghan refugees from 2015 until 14 March 2020. In its weekly situation report from 8 March to 14 March 2020, IOM stated that all border crossings with Afghanistan were to be closed from 16 March until the end of March 2020.[317] According to the data of IOM, the return numbers more than doubled in 2016 compared to 2015.[318] According to IOM this was due to multiple push and pull factors such as a deteriorating protection space in Pakistan that led to a rise in returnees in the middle of 2016.[319]

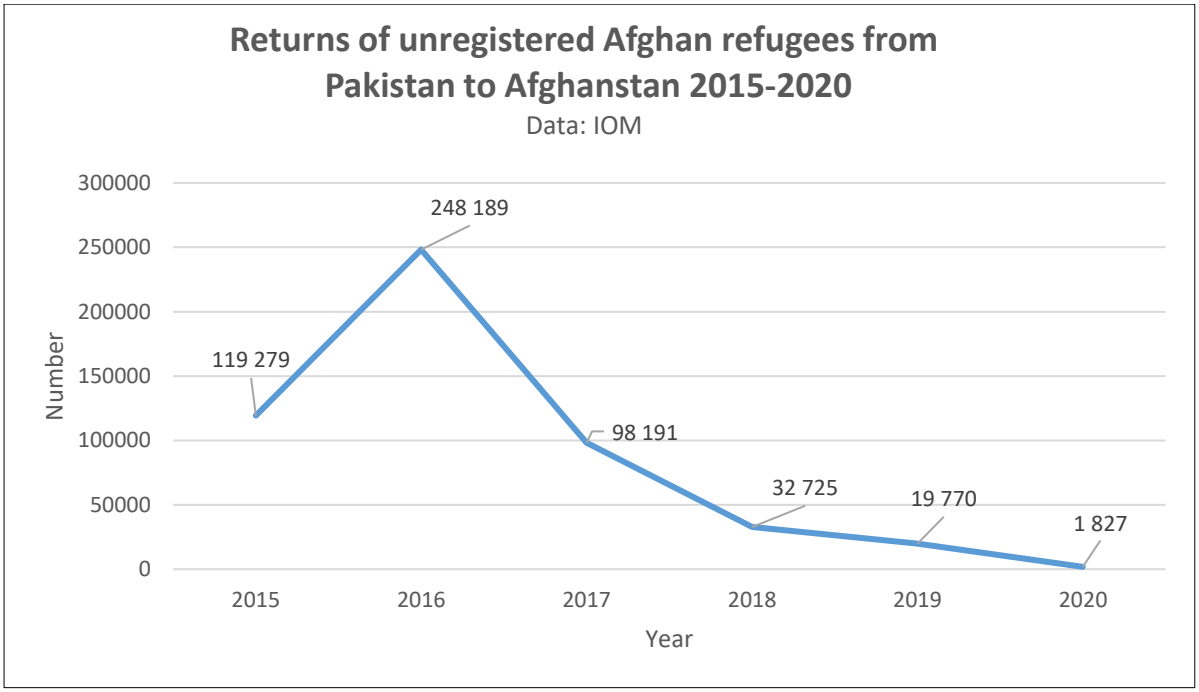

Figure 10: Number of returns of unregistered Afghan refugees from Pakistan to Afghanistan (until 14 March 2020) © Cedoca (based on data of IOM)[320]

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[314] IOM, IOM Transit Center on Pakistan Border Expands to Cope with Influx of Afghan Returnees, 21 May 2017, url
[315] IOM, IOM Transit Center on Pakistan Border Expands to Cope with Influx of Afghan Returnees, 21 May 2017, url; IOM, UNHCR, Returns to Afghanistan in 2018: Joint IOM-UNHCR Summary Report, 25 June 2019, url, p. 5
[316] IOM, Return of Undocumented Afghans from Pakistan and Iran, n.d., url
[317] IOM, IOM Afghanistan-Return of Undocumented Afghans- Situation Report 08-14 March 2020, n.d., url, p. 2
[318] IOM, IOM Afghanistan - Return of Undocumented Afghans- Weekly Situation Report 25-31 December 2016, n.d., url, p. 1; IOM, IOM Afghanistan Undocumented Afghan Returns from Iran & Pakistan January to December 2015, n.d., url, p. 2
[319] IOM, IOM Afghanistan Return of undocumented refugees from Iran and Pakistan 2016 Overview, n.d., url, pp. 1-2
[320] IOM, IOM Afghanistan-Return of Undocumented Afghans- Situation Report 08-14 March 2020, n.d., url, p. 1; IOM, IOM Afghanistan-Return of Undocumented Afghans- Situation Report 5 -11 Jan 2020, n.d., url, p. 1; IOM, IOM Afghanistan-Return of Undocumented Afghans- Situation Report Jan -Dec 2018 / 01– 05 Jan 2019, n.d., url, p. 1; IOM, IOM Afghanistan-Return of Undocumented Afghans- Monthly Situation Report- December 2017, n.d., url, p. 1; IOM, IOM Afghanistan - Return of Undocumented Afghans- Weekly Situation Report 25-31 December 2016, n.d., url, p. 1; IOM, IOM Afghanistan Undocumented Afghan Returns from Iran & Pakistan January to December 2015, n.d., url, p. 2

3. Livelihood

The RAHA initiative was initiated in 2009 by the Government of Pakistan. Under the RAHA initiative multiple projects were carried out in the sectors of education, health, livelihoods, infrastructure, water, sanitation and social protection.[321]

In the following chapters the livelihood opportunities are described where possible for the PoR cardholders, the ACC holders and the unregistered Afghan refugees in Pakistan.

3.1 Education

A background paper prepared for the 2019 Global Education Monitoring Report, written by Nicole Hervé in November 2018, stated that the access to education for Afghan refugees has to be assessed in the light 'of a generally weak' educational system in Pakistan.[322] In November 2018, Human Rights Watch cited in a report some figures of the Government of Pakistan that almost 22.5 million children are out of school.[323] The quality of education in Pakistan is poor. Pakistan lacks adequate education facilities, a lack of trained teachers, a standard medium of instruction in all regions, an updated curriculum and a standard assessment tool.[324]

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 manner as may be determined by law.'[325]

According to Nicole Hervé, this provision in the law made education possible for all children in Pakistan, regardless of their origin.[326] In December 2012, the National Assembly passed a bill guaranteeing the fundamental right to free and compulsory education to every child regardless of sex, nationality, or race in a neighbourhood school.[327]

According to Nicole Hervé, the Afghan refugees are able to choose different providers of education in Pakistan. They can attend Pakistani government schools, Pakistani private schools, Afghan private schools and *madrassas*.[328] 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. According to a survey in 2011, in Pakistan, 18 % of Afghan refugee girls are enrolled in school, which is half the enrolment rate of boys (39 %) and less than half the rate for girls in Afghanistan.[329]

According to the US Department of State (USDOS) annual report on human rights practices in Pakistan (covering 2019), in theory every registered Afghan refugee with both UNHCR and the government-run

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[321] UNHCR, Fact Sheet-Pakistan, 29 February 2020, url, p. 4
[322] Hervé, N., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, url, p. 11
[323] HRW, "Shall I Feed My Daughter, or Educate Her?" Barriers to Girls' Education in Pakistan, 12 November 2018, url
[324] Express Tribune (The), Education: a solution for Pakistan, 1 October 2017, url
[325] Pakistan, The Constitution of the Islamic Republic of Pakistan, 31 May 2018, Article 25A, url
[326] Hervé, N., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, url, p. 12
[327] Pakistan (National Assembly, Islamabad), The Right to Free and Compulsory Education Act, 2012 (No. XXIV of 2012), 24 December 2012, url
[328] Hervé, N., Inclusion of Afghan refugees in the national education systems of Iran and Pakistan, UNESCO, November 2018, url, p. 15
[329] UNESCO, Global education monitoring report, 2019: Migration, displacement and education: building bridges, not walls, 2018, url, p. 59

Commissionerate of Afghan Refugees, after compiling the paperwork, can be admitted to public schools.[330]

Furthermore, USDOS noted the following: 'Access to schools, however, was on a space-available basis as determined by the principal, and most registered Afghan refugees attended private Afghan schools or schools sponsored by the international community.'[331]

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. This is 40 % of the total refugee population. Of the 1.4 million registered Afghan refugees, 22 % are primary school-age children and 18 % are secondary school-age children.[332]

The assistance of education provided by UNHCR and CAR is only for PoR cardholders.[333] According to the UNHCR Education Strategy 2020-2022, in the last 40 years UNHCR provided support to over 146 schools in the refugee villages (103 schools in Khyber Pakhtunkhwa, 35 in Balochistan and 8 in Punjab). According to UNHCR, 56 000 refugee children benefitted from this support.[334]

In January 2018, the newspaper Dawn, citing UNHCR, stated that the Afghan curriculum is used in refugee schools in Pakistan: 'This helps prepare pupils for their integration into the schooling system in Afghanistan should they decide to return.' The provincial government of Khyber Pakhtunkhwa ousted criticism that an 'anti-Pakistan curriculum' has been taught.[335] In October 2018, UNHCR released a statement in which UNHCR explained that they decided to use the Pakistani curriculum in refugee village schools, mainly in the primary schools: 'the quality of learning for Afghan refugee children in Pakistan will be improved by following the curriculum of Pakistan.'[336] In October 2019, the Afghan news portal Pajhwok Afghan News reported that 91 Afghan refugee teachers completed a training program on the Pakistani curriculum.[337]

A 2015 report of UNHCR and the Norwegian Refugee Council (NRC) described that it is perhaps difficult for Afghan refugees to get access to higher education due to certification issues, financial and social limitations.[338] Admissions for higher education are granted on seats allocated by the Higher Education Commission (HEC). As to the current government policy, every government institution reserves two seats for refugees and only PoR cardholders can apply on this quota.[339] The annual report of USDOS of 11 March 2020 remarked 'for older students, particularly girls in refugee villages, access to education remained difficult.'[340] 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.[341] The Nation reported in April 2020 that the Allama Iqbal Open University in Balochistan enrolled a number of Afghan refugees in study programmes. The university will provide them learning facilities in their refugee camps, books will be sent by post, and tutors will visit them and guide them in the camps. The university will also perform examinations in the camp premises.[342]

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[330] USDOS, Country Report on Human Rights Practices 2019 - Pakistan, 11 March 2020, url, p. 30
[331] USDOS, Country Report on Human Rights Practices 2019 - Pakistan, 11 March 2020, url, p. 30
[332] UNHCR, UNHCR Education Activities for Afghan Refugees in Pakistan, 10 February 2020, url, p. 1
[333] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 23
[334] UNHCR, Pakistan - Refugee Education Strategy (2020-2022), 10 February 2020, url, p. 3
[335] Dawn, KP govt takes notice of objectionable content in curriculum of Afghan refugee schools, 23 January 2018, url
[336] UNHCR, Education: Afghan refugees studying in refugee villages, 15 October 2018, url
[337] Pajhwok Afghan News, 91 Afghan refugee teachers complete training, 17 October 2019, url
[338] UNHCR and NRC, Breaking the Cycle: Education and the Future of Afghan Refugees - September 2015, 15 September 2015, url, p. 9
[339] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 24
[340] USDOS, Country Report on Human Rights Practices 2019 - Pakistan, 11 March 2020, url, p. 30
[341] UNHCR, DAFI Brochure, 18 October 2018, url, p. 1, p. 4; UNHCR, The Albert Einstein German Academic Refugee Initiative-DAFI in Pakistan, 8 August 2019, url
[342] Nation (The), AIOU to provide education to Afghan refugees, 20 April 2020, url

The study of ADSP mentioned that it is possible for ACC holders to have access to private schools, colleges and universities. There are private education providers who admit ACC holders. Most of these institutions are governed by Afghans and follow the Afghan curriculum.[343]

According to the study of ADSP unregistered Afghan refugees have 'very limited access to education services'. ADSP stated that it is possible for them to register in private education schools. However, private institutions are reluctant to give admission to unregistered Afghan refugees due to fear of disciplinary measures from the Pakistan government.[344]

3.2 Employment

According to a Market Systems Analysis published by the International Labour Organization (ILO) and UNHCR in 2018, Afghan refugees are employed in a broad scope of professions. Two professions were found more frequently where Afghan refugees work: mainly daily wage labour in construction and agricultural activities (as a labourer or a farmer).[345] A study of CODE Pakistan in November 2019 stated that a majority of the Afghans are concentrated in four specific industries: carpet-weaving, fresh fruits, heavy machinery and honey beekeeping. Besides these four industries, Afghan refugees also take part in the working and business class community by setting up small- and large-scale businesses.[346] ADSP added in their study in December 2018 that a majority of these businesses are 'unregistered or under the proxy ownership of Pakistani friends and relatives'.[347]

Muhammad Tahir Khan confirmed in an interview with Cedoca on 14 February 2020 that PoR cardholders and even ACC holders can set up a business in Pakistan.[348] According to the newspaper the News International, Afghan refugees face problems when establishing a business due to the fact that before February 2019 registered refugees were not able to open bank accounts (see Chapter 3.3.4 Financial and communications services). The News International stated further that Afghans use the names of their employees for bank purposes and that they avoid large financial transactions.[349]

In their 10 February 2020 Livelihood Strategy (2018-2021) UNHCR noted that Afghan refugees are confronted with barriers such as low education and technical skills to access 'high-level positions' in the employment market. Due to legal hurdles most of the Afghan refugees access the informal labour market. The assessment of UNHCR stated that no Afghan refugees could be found working in the public or private sectors due to the absence of a national identity card.[350]

According to different news portals, Afghan refugees in Peshawar in the province of Khyber Pakhtunkhwa have set up businesses in the gem sector, the leather sector and in antiques and handicrafts.[351] Sayhoon News stated that for example 30 % of the businesses in Saddar Bazaar in Peshawar are owned by Afghan refugees, while 80 % of businesses in the clothing market is set up by Afghan refugees.[352] There have been complaints in 2016 and 2017 from the Afghan refugee community in Peshawar that for example the businesses in the gem sector and the antiques and

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[343] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 24
[344] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 24
[345] ILO and UNHCR, Market Systems Analysis for Afghan Refugees in Pakistan, 2018, url, p. 6
[346] CODE Pakistan, Afghan refugees in Pakistan-The Road Ahead, November 2019, url, p. 42
[347] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 28
[348] Khan, T.M., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 14 February 2020
[349] News International (The), Permission for bank accounts helps boost Afghan refugees' businesses, 1 June 2019, url
[350] UNHCR, Livelihood Strategy 2018-2021 Pakistan, 10 February 2020, url, p. 10
[351] Sayhoon News, Afghan craftsmen rule Peshawar's leather market, February 2020, url; Daily Times, Gemstones business in Pakistan in doldrums as Afghan traders forced to repatriate, 4 October 2016, url; Express Tribune (The), Peshawar's antiques and handicrafts business slumps with Afghan refugees' departure, 23 September 2017, url
[352] Sayhoon News, Afghan craftsmen rule Peshawar's leather market, February 2020, url

handicrafts deteriorated because of the repatriation policy of the Pakistani government and the toll of military operations in the region.[353]

According to the study of ADSP the PoR cardholders have a better opportunity to find work in the formal and informal sector than ACC holders and unregistered Afghan refugees. ACC holders and unregistered Afghan refugees mostly seek jobs in the informal sector.[354]

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 stated in its verdict that the refugees 'couldn't be allowed to conduct businesses in the country without authorisation by the relevant quarters'. Dawn added that the Peshawar High Court has no jurisdiction and can only refer the issue to the relevant federal authorities.[355]

3.3 Access to services

3.3.1 Access to documents

PoR cardholders have the possibility to make modifications to their PoR cards. The modifications can be implemented at PCM centres. In these centres they can apply for the modification and replacement of existing cards; the registration of infants and children up to the age of five years; the issuance of new cards to eligible children who are five years and older and the issuance of birth certificates to children under the age of 18.[356] Documents concerning education such as school enrolment certificates, school leaving certificates and results cards are issued to all PoR cardholders by UNHCR or relevant schools.[357]

According to the study of ADSP the possibility for ACC holders to change the information on their ACCs is 'limited'. ADSP noted that private schools issue certificates to all their students including ACC holders.[358]

Access to documents and services for documents is not available for unregistered Afghan refugees according to the study of ADSP. But ADSP states that if UNHCR does not issue any education documentation to them, 'Pakistani schools may admit some unregistered Afghan students and may also issue some documentation to them.'[359]

In June 2019, the News International cited an Afghan refugee who stated that it is not possible for Afghan refugees to obtain a driving licence or to purchase a vehicle on their own name.[360] Liaqat Banori stated in an interview with Cedoca on 16 February 2020 that it is not possible for PoR cardholders and ACC holders to obtain a driving licence.[361]

Frequently in the Pakistan media, reports have been made that Afghan refugees obtained a CNIC.[362] According to the newspaper Dawn it is not legal to issue CNICs to Afghan nationals without proper

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[353] Daily Times, Gemstones business in Pakistan in doldrums as Afghan traders forced to repatriate, 4 October 2016, url; Express Tribune (The), Peshawar's antiques and handicrafts business slumps with Afghan refugees' departure, 23 September 2017, url
[354] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 28
[355] Dawn, PHC asks govt to restrict activities of Afghans, 30 November 2019, url
[356] UNHCR, Afghans now able to update, modify identification in Pakistan, 10 November 2008, url; UNHCR, Pakistan- Afghan Refugees PoR card Registration Update, Monthly Update (January 2020), 14 February 2020, url, p. 1
[357] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 20
[358] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 20
[359] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 20
[360] News International (The), Permission for bank accounts helps boost Afghan refugees' businesses, 1 June 2019, url
[361] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[362] Nation (The), NADRA yet to decide over 1,50,000 cases of blocked CNICs, 21 February 2020, url; Express Tribune (The), Afghans obtained CNICs by fraud: NADRA chief, 3 September 2018, url

documentation and procedures.[363] In February 2015, the NADRA declared to the Guardian that it has found 22 000 cards illegally held by Afghans.[364] In May 2016, the Government of Pakistan ordered the NADRA to re-verify the CNICs of all citizens in Pakistan. This decision was made after the NADRA detected more cases of fraud following the disclosure that Mullah Akhtar Mansoor, a former Afghan Taliban leader, was in the possession of a fraudulent CNIC.[365] In July 2016, the News International reported that through fraud and paying bribes thousands of Afghan families obtained CNICs.[366] Dawn reported in February 2015 that the NADRA issued CNICs to the Afghan refugee Sharbat Bibi (also known as Sharbat Gula) and two men claiming to be her sons.[367] Sharbat Bibi became 'an instant icon' when she covered the June 1985 front page of National Geographic magazine as a 12-year-old-refugee. She is often referred to as the Afghan girl with the green eyes.[368] Dawn cited a source employed at NADRA who stated that it is a common practice among Afghan refugees to list names of non-relatives as their children to obtain documents.[369] After a year of investigating the case of Sharbat Bibi, she was arrested in October 2016.[370] UNHCR stated a day after her arrest that Sharbat Bibi is not a registered Afghan refugee and therefore UNHCR was not able to assist her during her arrest.[371]

In September 2018, the newspaper the Express Tribune reported that the chairmen of NADRA stated that there were Afghan nationals who obtained CNICs and that these cards were blocked. They obtained the cards by pretending they were family of Pakistani citizens.[372] In February 2019, The Nation stated that 'the National Database and Registration Authority (NADRA) has blocked Computerised National Identity Cards (CNICs) of over 10,144 Pakistanis who registered themselves as Afghan refugees.'[373]

3.3.2 Healthcare

Afghan nationals sought medical treatment across the border, mainly in Peshawar and Quetta, for different reasons: accessibility, support of Afghan relatives and acquaintances based in Pakistan and better healthcare facilities.[374] The Guardian reported in June 2019 that 'visas for Pakistan weren't strictly enforced, but in recent years regulations – and borders – have tightened.' In 2018, a total of 61 731 medical visas were issued by Pakistan's embassy and consulates in Afghanistan.[375]

All Afghan refugees living in Pakistan (including PoR cardholders, ACC holders and unregistered Afghans) have access to health services at hospitals. The study of ADSP remarked that health services for unregistered Afghan refugees are 'not as good as they are for PoR and ACC holders. They are provided with consultations at health facilities. However, they must buy medicine from the market.'[376] In January 2019, the Government of Pakistan announced its intention to improve health services for Afghan refugees.[377]

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[363] Dawn, Pakistan issues CNIC to Nat Geo's famed 'Afghan Girl', 24 February 2015, url
[364] Guardian (The), Afghan refugee on 1984 National Geographic cover embroiled in ID row, 26 February 2015, url
[365] Express Tribune (The), NADRA to verify all CNICs within 6 months, 28 May 2016, url
[366] News International (The), Thousands of Afghans packing up amid crackdown, 27 July 2016, url
[367] Dawn, Pakistan issues CNIC to Nat Geo's famed 'Afghan Girl', 24 February 2015, url
[368] National Geographic, Famed 'Afghan Girl' Finally Gets a Home, 12 December 2017, url
[369] Dawn, Pakistan issues CNIC to Nat Geo's famed 'Afghan Girl', 24 February 2015, url
[370] New York Times (The), 'Afghan Girl' in 1985 National Geographic Photo Is Arrested in Pakistan, 26 October 2016, url
[371] Dawn, UNHCR distances itself from 'Afghan Girl' Sharbat Gula, 27 October 2016, url
[372] Express Tribune (The), Afghans obtained CNICs by fraud: NADRA chief, 3 September 2018, url
[373] Nation (The), NADRA blocks CNICs of Pakistanis registered as Afghan refugees, 12 February 2019, url
[374] Dawn, Border regimes, regional conflict bar Afghans from seeking quality healthcare, 9 October 2018, url
[375] Guardian (The), Patients sleep under the stars in long queue for medical visas, 12 June 2019, url
[376] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 26
[377] Pakistan Today, Government to improve health services for Afghan refugees, 5 January 2019, url

Health services in ARVs are being provided by UN Agencies. In 2018, at the ARVs there are Basic Health Units (BHU) present.[378] The News cited in February 2020 an Afghan refugee living in an ARV near Peshawar who stated that UNHCR reduced the facilities in the ARVs. He complained that the medical facilities are not sufficient for the whole population of the ARV.[379]

Due to the outbreak of COVID-19 the Government of Pakistan announced on 5 April 2020 that they will hand out a 'special relief package' to the Afghan refugees in the country.[380]

3.3.3 Housing, land and property

The study of ADSP stated the following: 'Officially, no Afghan can buy or lease housing, land and property in Pakistan.' PoR cardholders are in the possibility to rent houses, land and property for residential and commercial purposes. The rent deed is signed by the owner (landlord) and an Afghan (tenant) with two local witnesses. The deed is described on a judicial stamp paper and registered at a police station that processes it and returns it to the landlord. Since Afghans do not have a CNIC they cannot obtain the judicial stamp paper on which the rent deed is written. A widespread practice to get the paper is to write the name of a Pakistani on the judicial papers.[381]

Noor Habib, an Afghan refugee living in Pakistan since 1979 and in possession of a PoR card, described in an interview with Cedoca on 20 February 2020 that for the past six years it has become more difficult for Afghan refugees (registered and unregistered) to rent a house in Peshawar. He described the procedure as follows: as an Afghan refugee you have to talk with a real estate agent, then he gives you a form which you have to fill in and you have to sign that in presence of a government official and you need two Pakistanis who can bail you out (two CNICs have to be attached with the form) and then you have to go to the police station and answer questions.[382]

According to the study of ADSP Afghan refugees with an ACC 'have the same rights as the PoR cardholders concerning access to housing, land and property'.[383]

Unregistered Afghan refugees have no rights concerning housing, land and property.[384] According to a study of Refugees in Towns in September 2019, for Afghans without a legal status this means that they have little access to formal housing and so they live in *katchi abadis* (informal settlements).[385] According to ADSP, Afghan refugees are vulnerable for exploitation when trying to get access to housing and property.[386]

According to Liaqat Banori when Afghan refugees live in urban settlements, they are mostly living in *katchi abadis* (informal settlements). For example: in Islamabad, they are living in these side areas of Islamabad where most of the settlements are broken down. It is not possible to have a good quality of life there. The only difference between the refugee life in the camps and the urban settlements is that refugees in camps are less harassed by the police and security institutions than people in the urban areas, according to Banori.[387]

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[378] UNHCR, Solutions Strategy for Afghan Refugees: Enhancing Resilience and Co-Existence through Greater Responsibility-Sharing, 2 October 2018, url, pp. 38-39
[379] News International (The), Afghan refugees complain of fewer facilities in camps, 18 February 2020, url
[380] Anadolu Agency, COVID-19: Afghan refugees in dire need, says Pakistan, 5 April 2020, url
[381] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 25
[382] Habib, N., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020
[383] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 25
[384] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 25
[385] The Refugees in Towns Project (Ansari M.), Cities for Children A Case Study of Refugees in Towns Islamabad, Pakistan, September 2019, url, p. 10, p. 13
[386] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 25
[387] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020

3.3.4 Financial and communications services

The study of ADSP and the study of ILO and UNCHR mentioned that it is mandatory to be in possession of documents (such as a national identity document, an alien registration paper or a valid visa of a particular category) to open a bank account.[388] On 25 February 2019, Prime Minister Imran Khan stated on Twitter that he 'issued instructions today that Afghan refugees who are registered can open bank accounts'.[389] On 28 February 2019, 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. The SBP added that the biometric verification service for Afghan refugees holding PoR cards would work in a similar way to the CNIC biometric verification system.[390] The newspaper Dawn added that the registered Afghan refugees have to attach to their forms their utility bills and in some cases a reference or rent deed.[391] According to a testimony of a PoR cardholder in Dawn, businesses and shops are often established in the name of a Pakistani friend with a CNIC, and the name of the Pakistani friend is on the deed. This causes difficulties in case the Afghan refugees present a deed which is not on their name but in the name of a Pakistani friend. [392] The Express Tribune stated that before, Afghan refugees used to make use of informal banking channels to make financial transactions within and outside Pakistan.[393] The study of ADSP noted that ACC holders and unregistered Afghans cannot open bank accounts or pay taxes in a direct manner, but they can receive remittances by showing their passports or other identity documents.[394]

In 2015, in light of anti-terrorism measures, the Government of Pakistan demanded that mobile phone users registered their SIM cards in a national database. Telecom companies have been selling SIM cards to subscribers if they were able to show their CNICs, but without obtaining fresh biometric data. Since January 2015, each person is required to provide a CNIC in order to receive a SIM card. Also, it is necessary to provide an electronic thumb impression which is checked in the NADRA biometric database.[395] In 2015, the Express Tribune stated that the Pakistan Telecommunication Authority will verify the SIM cards used by Afghan refugees with a PoR card .[396] Afghans in Pakistan can use their SIM cards until the expiry date of their residence permit.[397] In case of PoRcardholders they can get access to SIM cards.[398] ACC holders and unregistered Afghans cannot get SIM cards, so they opt for other solutions such as getting a SIM card on someone's else name, borrow phones from an acquaintance or use SIM cards issued by Afghan mobile phone companies based in Afghanistan, according to the study of ADSP.[399]

According to the own experience of Noor Habib, as stated 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

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[388] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 27; ILO and UNHCR, Market Systems Analysis for Afghan Refugees in Pakistan, 2018, url, p. 13
[389] Khan, I., [Twitter], posted on: 25 February 2019, url
[390] State Bank of Pakistan, BPRD Circular Letter No. 02 of 2019, 28 February 2019, url
[391] Dawn, Bank accounts promise to Afghan refugees in Pakistan comes true, 5 June 2019, url
[392] Dawn, Bank accounts promise to Afghan refugees in Pakistan comes true, 5 June 2019, url
[393] Express Tribune (The), Bank account facility for refugees to aid economy, 1 March 2019, url
[394] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 27
[395] BBC News, Pakistan takes aim at Sim cards in anti-terror drive, 24 March 2015, url
[396] Express Tribune (The), Plan ready: PTA to verify SIMs of Afghan refugees, 27 April 2015, url; Ary News, SIM verification for foreigners, Afghans declared mandatory, 20 February 2020, url
[397] Ary News, SIM verification for foreigners, Afghans declared mandatory, 20 February 2020, url
[398] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 27
[399] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 27

and when a notification of the extension is provided, the Telecom company checks it and unblocks the SIM card.[400]

3.3.5 Access to legal aid

According to the study of ADSP, access to legal aid depends on the legal status of the Afghan refugee, the nature of the crime (civil/criminal) and the nationality of the perpetrator/victim of the crime.[401]

UNHCR assists PoR cardholders with free legal aid. At the end of January 2020, UNHCR together with SHARP and SEHER (partners of UNHCR in Pakistan) was providing legal assistance to PoR cardholders through nine Advice and Legal Aid Centres (ALACs) in all four provinces.[402] UNHCR, SHARP and SEHER do not provide legal aid in criminal cases.[403] 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.[404]

According to the report of ADSP, ACC holders and unregistered Afghan refugees have no access to legal support neither from UNHCR nor from NGOs.[405]

3.4 Marriage

Article 10 of the Pakistan Citizenship Act 1951 provides that a foreign woman may acquire citizenship through marriage to a Pakistani man (see Chapter 1.3.2 Citizenship).[406] A foreign man cannot acquire the citizenship of Pakistan on marrying a Pakistani woman.[407] In an email to Cedoca on 3 April 2020, Liaqat Banori clarified this further. Banori stated that there are many instances of intermarriages among Pakistanis and Afghans. According to Pakistani law any woman marrying a Pakistani man can get Pakistan nationality but if a Pakistani woman gets married to any foreigner, the man will not be entitled for nationality. So, the Pakistanis who married Afghan girls are living peacefully and their children also have Pakistani nationality on the basis of their father's ID cards while Pakistani women who married Afghans are facing issues not only for themselves but for their children too.[408]

The newspaper Dawn cited Farida Siddiqi, an Afghan refugee who in turn cited a NADRA official, who stated that 'dozens of female Afghan refugees fake a marriage in order to get a CNIC.'[409] In 2016, the Government of Pakistan 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.[410]

According to Radio Free Europe/Radio Liberty (RFE/RL) hundreds of Pakistani women married Afghan men over the past four decades.[411] Pakistani women married to Afghan men refused to accompany their spouses when Pakistan insisted on returning to Afghanistan. They demanded the Government

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[400] Habib, N., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020
[401] ADSP, On the margins: Afghans in Pakistan, December 2018, url, pp. 21-23
[402] UNHCR, Pakistan: Summary of Legal | Assistance and Aid Programme | January, 2020, 14 February 2020, url, p. 1
[403] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 23
[404] Banori, L., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 16 February 2020
[405] ADSP, On the margins: Afghans in Pakistan, December 2018, url, p. 23
[406] Pakistan, Pakistan Citizenship Act, 1951 [Pakistan], 13 April 1951, Art. 10 url
[407] Nation (The), Why is a Pakistani woman's citizenship still dependent on the verification of a 'male guardian'?, 12 September 2016, url
[408] Banori, L., email, 3 April 2020
[409] Dawn, Pakistan's stepchildren, 1 March 2017, url
[410] News International (The), Pakistani men who married Afghan women seek rules relaxation, 24 October 2016, url
[411] RFE/RL, Pakistani Wives Want Their Afghan Husbands Back, 16 November 2016, url

of Pakistan to give their husbands Pakistani nationality.[412] In September 2016, Pakistani women in Peshawar gathered and asked the authorities to allow their Afghan husbands to stay with them in Pakistan.[413] In January 2017, Khyber News TV stated that the Pakistani government was considering giving a 'special legal status' to those Afghan nationals who are married to Pakistani women.[414]

3.5 Cross-border movement

The newspaper the Nation stated in December 2013 that each day 56 000 people cross the border into Pakistan, with more than 90 % originating from Afghanistan.[415] A June 2017 survey report published by IOM stated that 20 000 people per day cross the border at Torkham and 25 000 to 30 000 people per day cross the border at Chaman between the two countries.[416] In April 2020, BBC News stated that 'for many years there has been illegal cross-border movement between Afghanistan and Pakistan - those numbers are much harder to track.'[417]

Since 2001, Pakistan and Afghanistan have faced internal security threats, largely due to the unrestricted movement of militants across the Pakistan-Afghanistan border.[418] 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 crossing for Afghans.[419]

Already in September 2005, the former President of Pakistan Pervez Musharraf proposed to the United States to fence a part of the border.[420] According to the New York Times in March 2020, the construction of the fence 'began in earnest' in 2016.[421] By mid-March 2020, 829 km of the 1 229 km (Durand Line in Khyber Pakhtunkhwa, in total: 2 640 km) - 84 % - has been fenced and 250 forts have been built alongside the fence.[422]

At the Durand Line three official border crossings are installed: Torkham, Spin Boldak (Chaman) and Ghulam Khan.[423] In addition to these border crossings, there are another 18 unofficial crossings (by vehicles) and around 235 crossings that can only be crossed on foot or by animal.[424] On 1 June 2016, 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.[425] At the Torkham border crossing, incoming Afghans without a valid passport, a visa or a *rahdari*[426] were no longer allowed to enter in Pakistan, and this rule is also implemented for members of the same tribe who live across the border in Pakistan.[427] At the crossing at Spin Boldak (Chaman), legal documents were still not necessary, but border crossing rules were also tightened.[428] According to AAN, '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

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412 Khyber News TV, Afghans married to Pakistani women to get special legal status, 20 January 2017, url
413 Dawn, Women seek Pakistani nationality for their Afghan spouses, 6 September 2016, url
414 Khyber News TV, Afghans married to Pakistani women to get special legal status, 20 January 2017, url
415 Nation (The), Pakistan, Afghanistan Agree on Border Commission, 3 December 2013, url
416 IOM, Assessment of Incoming Afghan Nationals (Torkham Border), 29 June 2017, url, p. 1
417 BBC News, Coronavirus: The porous borders where the virus cannot be controlled, 9 April 2020, url
418 Khan, A., Pak-Afghan Border: A Case Study of Border Management, 10 October 2017, Quarterly Journal Institute of Strategic Studies Islamabad, volume 37, number 3, Autumn 2017, url, p. 27
419 Sabawoon, A.M., The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, url
420 Guardian (The), US backs Pakistani-Afghan border fence, 14 September 2005, url
421 New York Times (The), Pakistan Builds Border Fence, Limiting Militants and Families Alike, 15 March 2020, url
422 Khan, R., The significance of Pak-Afghan border fencing, 16 March 2020, Cutting Edge, volume 15, issue 15, url
423 Sabawoon, A.M., The Gates of Friendship: How Afghans cross the Afghan-Pakistani border, 28 January 2020, url
424 Borhan, O. and Muzhary, F.M., Jihadi Commuters: How the Taleban cross the Durand Line, 17 October 2017, url
425 Al Jazeera, Torkham restrictions stir Pakistan-Afghanistan tension, 1 June 2016, url
426 A *rahdari* is a card issued since 2015 to facilitate frequent cross border movement of Shinwari tribesmen; Dawn, Customs agents, Afghan students to get new cards, 8 July 2017, url
427 IOM, Assessment of Incoming Afghan Nationals (Torkham Border), 29 June 2017, url, p. 1
428 IOM, Assessment of Incoming Afghan Nationals (Torkham Border), 29 June 2017, url, p. 1

border.' This pass is valid for three months and renewable.[429] The Ghulam Khan border point can be crossed by inhabitants of three Afghan south-eastern provinces with identity documents (*tazkeras*).[430] 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. According to the minister a 'new tougher policy is ahead with new border management laws.'[431] In February 2017, the Federal Cabinet of Pakistan adopted the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals.[432] According to the newspaper Dawn this included a stricter implementation of immigration laws along the border with Afghanistan, requiring registered refugees give up their PoR cards before going to Afghanistan and obtain visas to enter Pakistan again.[433]

The border crossings have been temporarily closed due to cross-border clashes. In March 2017, border crossings were closed due to multiple attacks at the border.[434] On 5 May 2017, the border at Chaman (Spin Boldak) was closed and reopened at the end of May 2017.[435] In October 2018, the border at Chaman was closed for two days following a clash between security forces. The border was opened for those crossing by foot but remained closed for commercial traffic.[436] Ahead of the Afghan presidential elections Pakistan announced that all border crossing with Afghanistan would be closed on 27 and 28 September 2019 but reversed the decision and kept the border crossings open.[437]

Pakistan closed its borders to travellers from Afghanistan at the Chaman border from 2 until 21 March 2020 and later closed the border crossing at Torkham from 16 March 2020 for at least two weeks due to the outbreak of COVID-19.[438] The Government of Pakistan planned to open the border from 6 April 2020 until 9 April 2020 to facilitate stranded nationals.[439] According to UNHCR, the crossings at Torkham and Chaman borders 'were temporarily reopened'. UNHCR stated that 'tens of thousands of Afghan nationals crossed over to Afghanistan with very limited immigration control or respect for social distancing.'[440] Between 6 April and 9 April 2020, 57 Afghans with a PoR card were allowed to cross the border according to official figures as mentioned by the Indo-Asian News Service.[441] On 13 April 2020, Pakistan announced that it extended the border closure for two more weeks due to COVID-19.[442]

The measures that Pakistan has taken to manage the border has an impact on the Afghan refugee population in the country. In February 2017, Al Jazeera cited an Afghan refugee who stated that due to the restrictions taken in February 2017 it is more difficult to visit relatives across the border and to bury their deaths in Afghanistan.[443] AAN described in an article the difficulties of Afghans crossing the border with Pakistan. The article cited Afghans who crossed the border and stated that Pakistani police

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officers do no let people cross without proper documents. To cross the border, they often had to bribe the officers.[444]

Khalid Khan Kheshgi explained in an interview with Cedoca that Afghan refugees visit their own provinces inside Afghanistan. They visit their relatives and attend weddings or other events. For that purpose, Afghan refugees who are not in the possession of documents are not using the official border crossings (for example: Torkham border crossing) but they cross the border with Afghanistan in different places (at unofficial crossings). Those Afghan refugees who have documents (for example: Afghans refugees with a visa and passport), visit frequently their land (for farming) in Afghanistan.[445]

According to Noor Habib, there are millions of Afghan refugees who are in the possession of an Afghan passport and a PoR card. He stated that Afghan refugees go back and forth to Afghanistan because of different reasons: there are a lot of problems with the land, there are marriages, deaths, their daughters get married there, a part of their family is there. He stated that the Afghan refugees requested the Government of Pakistan for those who have PoR cards to make it possible to cross the border and let them come back with the PoR cards. According to his own experience a Pakistani visa is only valid for a month and not for six months as written in the Afghan passports and this means Afghans have to go regularly back to Afghanistan to prolong the visa.[446]

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Khan Kheshgi, K., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Peshawar, 20 February 2020. Khalid Khan Kheshgi is a staff reporter at the daily newspaper, The News International and reporter for Mashaal Radio.

Khan, T.M., interview during fact-finding mission conducted by CGRS/Cedoca Belgium, Islamabad, 14 February 2020. Muhammad Tahir Khan is a senior Pakistani journalist, specialised in the theme of Afghan refugees in Pakistan.

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Annex 2: Terms of Reference

The terms of reference were drafted by Cedoca in consultation with EASO and the COI Specialist Network on Pakistan.

The content of the report should contain information on the following topics:

General description of the situation of Afghan refugees in Pakistan (background information)

- History
- Demography and population size
- Locations where the Afghan refugees are living

Description of the Afghan refugee population (registered and non-registered Afghan refugees)

- Registered Afghan refugees (PoR-cardholders)
- ACC holders
- Unregistered Afghan refugees

Description of the livelihood situation

- Possibility of education
- Possibility of employment
- Access to basic services: documents, health care, legal advice
- Marriage
- Movement across the border

Treatment by the state of Pakistan

- The Government of Pakistan
- The police
- Freedom of movement

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