

CHAPTER 11

Exodus of refugees is not durable

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2016 has been yet another year in recent times when security measures taken within the context of the National Action Plan (NAP) expedited the rate of voluntary returns to increase recently. This high rate is also owed to other non-state push factors on the Pakistan side and a number of pull factors on the Afghan side, according to survey data by the UN body dealing with registered Afghans in Pakistan.

Consistent policy

To recap, Pakistan's Afghan refugee policy, including the process of its formation and review, has been fairly consistent since 2007, which has focused on three core components: voluntary repatriation, sustainable reintegration into Afghanistan and assistance to Afghan refugees and host communities in Pakistan.

In 2016, the process of policy formation and review for Afghan refugees at the national level has also remained fairly consistent in Pakistan since 2007.³²⁵ The process begins with consultations between the Pakistan and Afghan governments in the presence of international stakeholders. A summary of these consultations is then presented before an inter-ministerial conclave convened by SAFRON. The Ministries of Foreign Affairs, Interior, Law and Parliamentary Affairs and Defence are all represented at this conclave, alongside representatives of provincial governments and various intelligence agencies. Consultations are also conducted with leaders of major political parties, before a summary of all proposals and dissenting notes is presented before a cabinet

meeting chaired by the Prime Minister for final approval.

Most importantly, security remained important concern within Pakistan's Afghan refugee policy during the same period. As evident from the composition of the abovementioned conclave, security agencies have an important role in the management of Pakistan's Afghan refugee policy. The activities of Afghan refugees living in camps and host communities are also tracked by security agencies at both the provincial and national level, while the Ministry of Interior maintains statistics on the involvement of Afghan refugees in crime. Notably, however, not a single Afghan refugee has been apprehended in relation to incidents of terrorism – contrary to the damaging impressions created about them in the media.

Largest exodus since 2006

In 2016, an exodus of around 0.4 million registered Afghan refugees from the country took place, the largest number of returning refugees recorded since 2006.³²⁶

The living conditions of Afghan refugees in Pakistan have also been indirectly impacted by a number of internal and external security measures in place since the launch of the government's National Action Plan against violent extremism in 2015. These include the ongoing crackdown by provincial security agencies against illegal foreign residents in Pakistan since 2015,³²⁷ and the tighter border control regime on the Durand Line that has been in place since late June 2016. According to reports, tighter border control

has reduced the flow of people across one of the main border crossings at Torkham from 20,000/day to 1200/day. Since many refugees' livelihoods depend on regular border crossings, these security measures were key factors in pushing a record number of refugees to return voluntary to Afghanistan this year.³²⁸

That the bulk of these returns took place after late June, in the aftermath of border skirmishes between Pakistani and Afghan forces at Torkham, has given rise to questions about whether Pakistan's refugee policy is being impacted by its strained relations with Kabul.³²⁹ Moreover, the exodus of Afghans happened even as fighting between the Afghan government and Taliban forces began intensifying.

According to United Nations Humanitarian Commission for Refugees (UNHCR) survey data, the rate of returning refugees also rose due to a number of non-security related push and pull factors on both the Pakistan and Afghan side, respectively. Some of the significant pull factors were: i) the wish to rejoin family members in Afghanistan, which influenced around 50% of all registered returnees; ii) the increase in UNHCR's assistance package to returnees from \$200 to \$400, which influenced around 16% of all registered returnees; and iii) increased efforts by the Afghan government to reintegrate refugees in their home provinces, which influenced around 8% of all registered returnees.³³⁰

Increased cases of official harassment were still an important push factor in determining whether refugees decided to return. Around 6% of all registered refugees reported that encounters with abusive state authorities had swayed their decision to return. Moreover, 31% of those who returned by the end of October reported that the fear of official harassment had swayed their decision. Some human rights organizations and relief organizations have accused the Pakistani state of deliberately using such strong-arm tactics, such as deportation of one or more members of the same family, to effectively force refugees out of the country.³³¹³³² However, IOM data on the returns of undocumented refugees reveals that out of the nearly 200,000 undocumented Afghans who repatriated from Pakistan this year, a relatively small proportion (around 20,000) had been deported.³³³

Another important push factor influencing the decisions of returning refugees this year was the effect of "public opinion" about Afghans in Pakistan.³³⁴ A number of media reports have documented how the straining of relations between Islamabad and Kabul this year had the effect of turning public opinion in Pakistan against the refugees.³³⁵ It is also likely that at least some of the reported cases about official harassment of Afghan refugees were driven more by public opinion and less by deliberate policy.

However, the fact that the protection space afforded to Afghan refugees in Pakistan is so susceptible to the swings of public opinion is indeed a cause for concern. Over the years, human rights observers have noted that this problem is linked with the precarious and often uncertain residency status of Afghan refugees in the country.³³⁶ Since completion of the refugee registration exercise in 2007, registered Afghan refugees have only been afforded “temporary” residency in Pakistan for a pre-defined time period. While the validity of their temporary residency has been extended numerous times over the past nine years, these extensions have often only been for a few months at a time. This has left many Afghan refugees in a precarious and uncertain position regarding their future stay in Pakistan.

The Pakistani state has, so far, been unwilling or unable to incorporate more permanent solutions to the Afghan refugee question that affords them the chance to fully integrate into local society. To some extent, this can be blamed on the political dynamics of the major refugee-hosting provinces, Baluchistan and Khyber Pakhtunkhwa. Nationalist parties in Baluchistan, for example, have routinely called for the ouster of Afghan refugees from the province, where they are seen as diluting the Baloch ethnic majority. Longer term solutions for Afghan refugees such as

pathways to citizenship may be politically untenable under these circumstances.

However, with instability once again on the rise in Afghanistan and the significant role that Afghan refugees play in Pakistan’s formal and informal economy, it may not be entirely possible or even feasible to push for the complete repatriation of all refugees from the country. The Pakistani government now seems to have a greater understanding of this point after seeing the adverse effects that the massive exodus of Afghan refugees has had on the local economy, especially in Khyber Pakhtunkhwa, this year. For example, the most recent proposals submitted for cabinet approval by the Commission for Afghan Refugees recommend the extension of registered refugees’ stay in the country till the end of 2017, a significant improvement on more recent extensions, which have been for 6 months at the most. The proposals also recommend the registration of undocumented Afghans to provide them greater protections and the establishment of flexible visa regimes to facilitate the residency of traders, students and Afghans inter-married into Pakistani families. Finally, the proposals also include the recommendation of passing a national refugee law that will grant Afghan refugees a more dignified and permanent residency status in the country.³³⁷

Durable solution

In November, the repatriation exercise was halted till March 2017 after concerns emerged about the Afghan government's ability to cope with their migration. However, a large number of refugees might still remain in Pakistan even after the repatriation exercise is complete.

A durable solution to the Afghan refugee question may also have to take into account this eventuality, as noted by the UN's High Commissioner for Refugees during the Brussels 2005 meeting

(mentioned earlier).³³⁸ Till now, Afghan refugees have only been "temporary residency" status in Pakistan, a status which has been extended over the years for irregular periods of time. Certainty about their future residency status will ensure that Afghan refugees are provided more adequate protection space in the country. The establishment of a flexible visa regime for Afghan citizens is an important development in this regard. Unfortunately, more long-term solutions like pathways to citizenship seem untenable within the current political climate of the region.