

On the margins: Afghans in Pakistan December 2018





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Abbreviations

Afghan Citizen Card

ACC

BHU	Basic Health Units
BPRM	The U.S. Department of State's Bureau of Population, Refugees, and Migration
CAR	Commissionerate of Afghan Refugees
CCAR	Chief Commissionerate of Afghan Refugees
CPC	Criminal Procedure Code
CWS	Community World Services
DAFI	German Academic Refugee Initiative
EAD	Economic Affairs Division
FATA	Federally Administered Tribal Areas
FIR	First Information Report
GBV	Gender Based Violence
HEC	Higher Education Commission
ICMC	International Catholic Migration Commission
ICRC	International Committee of the Red Cross
IMC	International Medical Corps
IOM	International Origination for Migration
IRC	International Rescue Committee
KP	Khyber Pakhtunkhwa
MoFA	Ministry of Foreign Affairs
Mol	Ministry of Interior
MORR	Afghanistan's Ministry of Refugees and Repatriation
NADRA	National Database and Registration Authority
NGO	Non-Governmental Organisation
PCM	Card Modification Centres
PoR	Proof of Registration
RAHA	Refugee Affected & Hosting Areas
REPID	Rural Empowerment and Institutional Development
RH	Reproductive Health
RSD	Refugee Status Determination
SAFRON	Ministry of States and Frontier Regions
SHARP	Society for Human Rights and Prisoners Aid
SSAR	Solutions Strategy for Afghan Refugees
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Afghan Refugees
UNICEF	
WHO	World Health Organization

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EXECUTIVE SUMMARY

This study examines the challenges faced by the 2.8 million Afghans living in Pakistan. It analyses their access to services, which is determined not only by their place of residence but also by their legal status in the country. The study is an effort to ascertain the specific challenges faced by each group and help guide efforts to promote legislative changes, inform policy development and support search for durable solutions.

The study is based on a desk review and interviews with key informants. The desk review included reports, research studies, updates, policy documents and web articles. A list of these resources is provided at the end of this report. A total of 21 interviews were conducted with the staff of the United Nations (UN), Government of Pakistan, NGOs and other sources representing all relevant stakeholders engaged with Afghans in Pakistan.

Pakistan is one of the world's largest and most protracted refugee contexts. In general, the 2.8 million Afghans living in Pakistan can be grouped by their legal status into four categories: Proof of Registration (PoR) cardholders; Afghan Citizen Card (ACC) holders; Afghan passport holders with valid Pakistani visas; and unregistered Afghans with no paperwork. Afghans holding a valid Pakistani visa (e.g. study or work) are not considered for the purpose of this study.

Actors and Programme Mapping

The shrinking of humanitarian space and declining donor funds mean that there are fewer humanitarian actors – national and international - providing services to Afghans living in Pakistan. The United Nations High Commissioner for Refugees (UNHCR) has the most extensive refugee programme, with other, smaller programmes implemented by national and international Non-Governmental Organisations (NGOs). The Refugee Affected and Hosting Areas (RAHA) initiative is the only major programme targeting Pakistani communities who have hosted large numbers of Afghan refugees over the past four decades. The Pakistan Humanitarian Forum and National Humanitarian Network are the two principal bodies representing international and national NGOs, respectively.

Access to services

Registration documents

PoR cardholders have access to necessary registration documents whereas this service is available on a limited scale to ACC holders. Unregistered Afghans have no access to such services. PoR cardholders have access to better education documentation compared to ACC holders and unregistered Afghans who have limited access to documentation. All Afghans can travel in Pakistan, but those without a legal documentations or travel documents are at higher risk of apprehension when they travel outside their usual place of residence.

Legal aid

While the Constitution of Pakistan guarantees equal treatment before the law, Afghans living in Pakistan are constrained in their ability to access the judicial system and exercise their rights through a lawyer. UNHCR and other service providers support PoR cardholders with legal aid. The absence of legal assistance puts Afghan refugees at a higher risk and limits their ability to legal recourse. Given the exposure of Afghan women to the risk of GBV and the limited availability of these services, there is a major unmet need.



Education

Despite the challenging education context in Pakistan, the government has maintained a policy of enabling Afghan refugee children to access public and private schools. However, Afghan children and youth continue to face difficulties in accessing schools due to the absence of a uniform policy/legal framework that allows for seamless admission of documented as well as undocumented children in public schools. UNHCR supported primary educational assistance is available only to PoR cardholders in refugee villages and some urban settlements.

Housing, land and property

Officially, no Afghan can buy or lease housing or property in Pakistan and the law allows only limited access to housing, land and property for registered Afghans. This leads to situations where Afghans use the credentials of their Pakistani acquaintances to gain access to properties. Overall, all Afghan citizens face higher risks and transaction costs in securing and maintaining property rights.

Health services

All Afghans living in Pakistan have access to health services at primary, secondary and tertiary care hospitals, with access for ACC holders and unregistered Afghans limited to government-run health facilities. Unregistered Afghans must buy medicine from the market. Overall, there is a need to improve the coverage of primary, secondary and tertiary care health services in refugee hosting areas. Particular emphasis should be given to reproductive health and services for children to reduce morbidity and mortality.

Financial and communications services

The inability of Afghans in Pakistan to open bank accounts or pay direct taxes limits their prospects of joining the formal economy. This also limits their options to receive remittances through formal banking channels. PoR cardholders can own a mobile phone SIM card, which requires thumb impression verification. ACC holders and unregistered Afghans cannot own mobile SIM and they face challenges with the communications.

Livelihoods

There is a long list of factors impacting livelihoods opportunities for Afghans living in Pakistan, including health hazards, exploitation and abuse. Many Afghans living in Pakistan are engaged in hazardous livelihoods and almost exclusively in the informal sector of the undocumented economy. Unregistered Afghans find it more difficult to get a job, and they mostly work as day labourers. According to UNHCR, most Afghans do not have regular income sufficient to meet the most basic needs of their households (food, medicine, rent, utilities, and clothing).

Assisted Repatriation

While UNHCR provides PoR cardholders with repatriation support, no such assistance is available to other Afghans. This highlights the need to develop a framework which could lead to support for ACC holders and unregistered Afghans based on their vulnerability.



Access to services

	Por Cardholder			UNREGISTERED	
SERVICE	Refugee villages	Urban settlements	ACC HOLDERS	(NO ACC OR PoR)	
Registration and documentation					
Access to education documentation					
Access to travel documentation					
Access to legal aid (civil cases)					
Access to legal aid (criminal cases)					
Access to GBV-related assistance					
Access to education					
Access to housing, land and property					
Access to health services					
Ability to open a bank account					
Ability to receive foreign remittance					
Ability to pay direct taxes					
Access to own a mobile SIM					
Formal employment market					
Informal employment market					
Access to subsidised wheat flour					
Access to assisted repatriation					

The colour green stands for 'full and unhindered access'; yellow stands for 'good access'; orange for 'partial access'; red for 'limited access'; and grey for 'very limited or no access'.



Introduction

This report was commissioned as an effort to understand the extent to which Afghans living in Pakistan, both documented and undocumented, can access services which contribute to durable solutions. It examines the extent to which existing basic services delivery programmes of the United Nations, national and international Non-Governmental Organisations (NGOs) and civil society actors address gaps in social services for Afghans.

Pakistan hosts one of the world's largest and most protracted refugee situations. Afghans living in the country can be divided into multiple groups, and face different challenges, based on their legal status. Some were born in Pakistan, and 70% is under 24 years of age. Khyber Pakhtunkhwa (KP) and Balochistan host the largest Afghan refugee population in the country. Pakistan's policy towards the refugee population has evolved. Currently, its stated position advocates for voluntary repatriation of Afghan refugees as the preferred durable solution.

Pakistan adopted a more rigorous approach to refugee management with a census in 2005. The ensuing registration policy, implemented with UNHCR in 2007, sought to give Afghan refugees holding Proof of Registration (PoR) cards limited legal status and protection from deportation under the Foreigners Act 1946. Afghans without PoR cards are regarded as illegal aliens. In recent years, the refugee population has been linked by some to terrorism and security threats, which has further shaped public opinion. Based on this national security narrative, the Government of Pakistan has made moves to document unregistered Afghans by providing them with access to Afghan Citizen Cards (ACC). The ACCs provide undocumented Afghans with certain incentives on registration, such as legal protection from arbitrary arrest, detention or deportation under the Foreigners Act. 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. The initiative has brought much-needed relief for many Afghans who had no legal status. However, it should be emphasised that the PoR and ACCs merely provide proof of registration and statistical information and do not provide formal recognition of refugee status.

During the ACC issuance process, the Government of Pakistan indicated that unregistered Afghans who did apply for the card and chose to remain undocumented would be considered illegal immigrants. The Government of Pakistan has stated that unregistered Afghans will be subject to deportation. While the ACC issuance process has now concluded, a substantial number of Afghans remain unregistered. Additionally, declining resources for NGOs providing services to Afghans coupled with the shrinking humanitarian space have affected service delivery to Afghans in Pakistan. These factors require a study to help understand services available to Afghans (categorised by their legal status) in Pakistan, ascertain the nature of the challenges faced by them, and provide specific recommendations to help better meet their needs. While PoR Cards do give a measure of protection, they have a limited validity period and are extended for a shorter duration of time which can range from a few days to a few months. For example, PoR cards and the Tripartite Agreement were extended until the end of June 2019 by the Federal Cabinet of Pakistan on 27 September 2018, while the ACC cards were extended only to 31 December 2018. At the time of this writing, no decision has been made regarding a possible extension of the ACC adding to uncertainties associated with the status of Afghans living in Pakistan



Based on the Terms of Reference, the following are the three key research questions explored as part of this study:

- 1. To what extent can Afghans living in Pakistan access multiple services which would contribute to the achievement of durable solutions?
- 2. To what extent does the existing basic services delivery programmes of the UN, NGOs and civil society actors address gaps in social services?
- 3. What recommendations can be made, drawing on the findings of the earlier research questions, to guide the development of ADSP partners' programming with Afghans living in Pakistan?

For further details, please refer to Annex 1.

Methodology

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This study was primarily based on: i) desk review and ii) key informant interviews (KIIs). These data collection methods were used to answer key research questions. They were also used to map key stakeholders and their engagement in the provision of essential services for Afghan refugees.

The desk review was one of the two main components of this research. For this purpose, efforts were made to review all key documents. The desk review for this study involved scanning the available literature on Afghan refugees with specific reference to Pakistan. This included a desk review of secondary data available from the Government of Pakistan, United Nations High Commissioner for Refugees (UNHCR), NGOs, think tanks and other stakeholders. These included research reports, publications, journal articles, laws, regulations, web articles, news updates, studies and policy documents. A list of all major documents reviewed as part of this study is presented at the end of this report. The desk review provided the preliminary synthesis for the report including an overview of the ability of Afghans living in Pakistan to access services, a clear mapping of key players including humanitarian actors engaged in the provision of assistance, and an assessment of the policy environment. Information from the desk review was consolidated, analysed and triangulated to infer key policy and service parameters and identify trends.

Key Informant Interviews (KIIs) were held with key government officials, national and international NGO staff, United Nations staff, Afghan community elders, and experts from relevant fields in Pakistan. Government of Pakistan officials were from the Ministry of States and Frontier Regions, Economic Affairs Division, Office of Chief Commissioner Afghan Refugees, Commissionerate of Afghan Refugees, Education Department, Home Department and Health Department, United Nations High Commissioner for Refugees (UNHCR) and United Nations Children's Fund (UNICEF) and other relevant stakeholders including lawyers and businesspeople. The interviewees were systematically and purposively selected based on their engagement with or knowledge of Afghan refugees and familiarity with the Pakistan humanitarian context. This approach ensured all important stakeholders were covered as part of the study. In total, 21 key informant interviews were conducted as part of this study. All interviews were conducted under Chatham House rules. This means that that information shared during the interview could be used for the research, but the source of that information could not be identified. This approach allowed interviewees to speak openly about the situation. The table below provides an overview of the profiles of people interviewed.



Table 1: Breakdown of KIIs

Sr. No.	Stakeholder	# of KII
1	Government Officials (Ministry of States and Frontier Regions, Economic Affairs Division, Office of Chief Commissioner Afghan Refugees, Commissionerate of Afghan Refugees, Education Department, Health Department, and Home Department)	09
2	National and International NGOs	05
3	UN Agencies	03
4	Other Stakeholders	04
	Total	21

Separate findings are presented for two distinct but interrelated aspects namely:

- i) actors mappings; and
- ii) access to services.

Mapping the stakeholders

Relevant stakeholders were mapped based on available information from the literature review and from information provided via key informant interviews. The report presents activities performed by these actors and the sectors in which they provide services to Afghan refugees. The report presents current stakeholder engagement in five colours as explained below:

Table 2: Colour coding for current stakeholder engagement ranking

Ranking	Description
Active and close	The stakeholder is actively and closely engaged in management and/or provision of different services for Afghan refugees and/or other Afghans, usually at the national level .
Engagement	The stakeholder is engaged in management and/or provision of different services for Afghan refugees and/or other Afghans, usually at the national and/or sub-national level .
Low Engagement	The stakeholder has low engagemen t in management and/or provision of different services for Afghan refugees and/or other Afghans, usually at the n ational and/or subnational level .
Very low Engagement	The stakeholder has very low engagement in management and/or provision of different services for Afghan refugees and/or other Afghans, usually at the national and/or subnational level .
No Engagement / Not Applicable	The stakeholder is not currently engaged in management and/or provision of different services for Afghan refugees and/or other Afghans.



Presentation of findings for access to services

Access to different services for Afghans varies depending on their legal status (PoR card, Afghan Citizen Card and unregistered) and their place of residence (e.g. refugee villages vs urban settlements). The presence of NGOs and other service providers, and the legal framework governing access are other factors affecting the access of Afghan refugees to services.

Based on the findings of this study, all results related to access to services in principle (i.e. enshrined in law) and in practice for different groups of Afghans based on their legal status are presented in five colours as below:

Table 3: Colour coding for access to services for Afghans

Ranking	Description
Full and Unhindered Access	This represents <i>full and unhindered access</i> to a service. In general, no corrective actions are required. This refers to a situation where all the Afghans (by their legal status) can avail a particular service.
Good Access	This represents good access to a particular service. Some minor corrective actions are required. There are some minor gaps and shortcomings in service provision.
Partial Access	This represents <i>partial access</i> to a particular service. Substantial corrective actions are required. There are major gaps in service provision.
Limited Access	This represents <i>limited access</i> to a particular service. There are serious weaknesses/ limitations in relation to access to a particular service.
Very Limited or No Access	This represents very limited or no access to a particular service.

Recommendations are drawn based on the research findings. These recommendations are divided into three main groups:

- ADPS specific recommendations;
- UNHCR specific recommendations; and
- Donor specific recommendations.



Afghans in Pakistan

The Legal Status of Afghans living in Pakistan

An estimated 2.8 million Afghans live in Pakistan. The legal status of Afghans living in Pakistan determines their ability to access services such as legal aid, health and education. This is because each population group has access to a different level of service. Afghans living in Pakistan can be broadly divided into four main groups as shown in the diagram below:

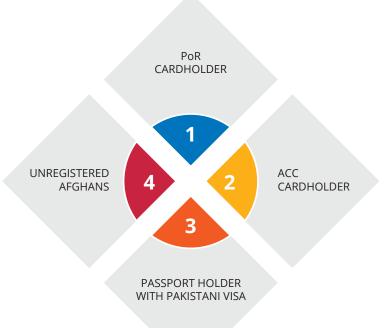


Figure 2: Afghans living in Pakistan by their legal status (Data source: UNHCR/CAR/NADRA)

Registered Afghan refugees (PoR cardholder)

According to UNHCR, as of 30 November 2018, there are 1,399,039 registered Afghan refugees (210,465 households) living in Pakistan. These are PoR cardholders. Access to services for PoR cardholders depends on their place of residence. They can be divided into two main groups:

- · PoR cardholders who live in camps, also known as Afghan Refugee Villages1;
- · PoR cardholders who live in urban settlements along with Pakistani citizens.

In general, only registered Afghan refugees holding a PoR card are allowed to live in the camps. Of the total Afghan refugees holding PoR cards, 32% (446,075 individuals) live in refugee villages. All other Afghans, regardless of legal status, including 68% (952,964 individuals) of PoR cardholders live outside refugee villages. The Government of Pakistan does not require PoR cardholders or other Afghans to live in a camp.

¹ Currently, there are 54 Afghan refugee camps in Pakistan. The Government of Pakistan calls them Refugee Camps and has appointed a Refugee Village Administrator in each of these 54 camps. UNHCR calls them Refugee Villages to reflect the fact that these camps are similar to villages that have been in existence for some 40 years. Both terms are used interchangeably in this report.



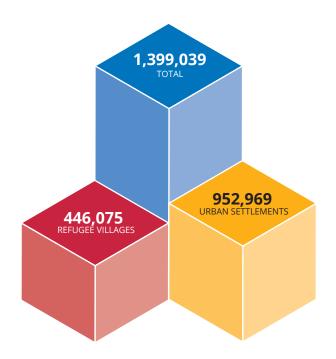


Figure 3 Afghan PoR cardholders living in Pakistan as of 30 November 2018 (Data source: UNHCR)

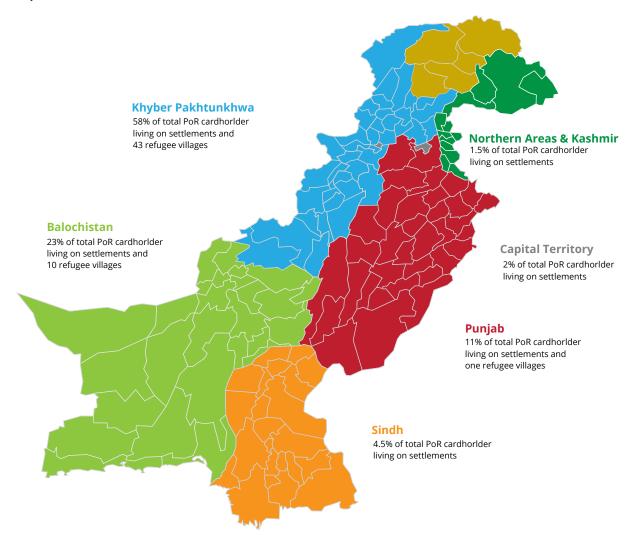
As of 30 November 2018, there are a total of 54 formally recognised refugee villages (officially called camps by the Government of Pakistan). There are 43 refugee villages in Khyber Pakhtunkhwa, 10 in Balochistan, and one in Punjab. The province of Khyber Pakhtunkhwa has the highest number of registered Afghan refugees (58%), followed by Balochistan (23%), Punjab (11%), and Sindh (5%), with the remaining 3% in other locations.

Table 4: Afghan PoR cardholders by place of residence (Data source: CCAR)

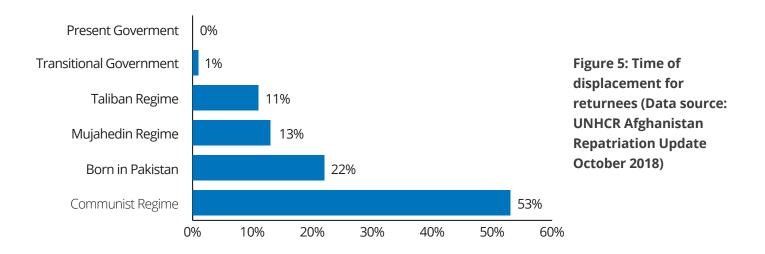
Province	Urban settlements	Refugee villages	Total POR cardholders	%
KPK	419,527	382,950	802,477	57.5
FATA	13,808	0	13,808	1.0
Balochistan	269,836	48,654	318,490	22.8
Punjab	144,630	15,292	159,922	11.5
Sindh	63,160	0	63,160	4.5
Islamabad	33,236	0	33,236	2.4
Pakistani Kashmir	3,889	0	3,889	0.3
Northern Areas	5	0	5	0.0
Total	948,091	446,896	1,394,987	100



Figure 4: Geographic distribution of PoR cardholders by percentage as of 30 November 2018 (Data source: UNHCR)



As part of repatriation monitoring, when returnees were asked about their time in displacement, 53% said they left for Pakistan during the communist regime while 22% reported that they were born in Pakistan.





Registered Afghan nationals (holders of Afghan Citizen Cards)

These are individuals who have registered for the newly introduced Afghan Citizen Card (ACC). The registration process for previously unregistered Afghan nationals was launched on 16 August 2017 and concluded on 28 February 2018. It was carried out by the Pakistan National Database and Registration Authority (NADRA), in close coordination with the Ministry of States and Frontier Regions (SAFRON) and Afghanistan's Ministry of Refugees and Repatriation (MORR).² The issuance of ACCs was carried out to regularise the stay of undocumented Afghans in Pakistan and to provide them with identity documents. As of 30 November 2018, the new Afghan refugees' registration policy has registered ACCs to 891,918 undocumented Afghans living in Pakistan. The distribution of ACCs is in progress, and more than 60% of the cards have been issued. The data on Afghans with ACC cards such as their name, age, gender, education, place of origin and ethnicity will be shared with the Government of Afghanistan once technical details and systems compatibility have been arranged. This data will be used by the Government of Afghanistan to issue temporary travel documents to undocumented Afghans to facilitate their return.

Afghan passport holders with a Pakistani visa

These are Afghan nationals who are legally living in Pakistan on diplomatic, study, work, spouse and other types of visas. Recent numbers for Afghans living legally in Pakistan are not publicly available. On average, the Government of Pakistan issues 2,000 visas per day through its embassy in Kabul and various consulates in Afghanistan. These Afghans were not considered as part of this study.

Unregistered Afghans

An estimated 500,000 Afghans live in Pakistan with neither a PoR, an ACC card, nor a valid Pakistani visa.³ These unregistered Afghans are considered to be illegal immigrants by the Government of Pakistan. They can be apprehended and prosecuted under the relevant provisions of Pakistani law. At this time, no punitive measures have been announced for undocumented Afghans.

Return of registered Afghans

The initial open-door policy adopted by Pakistan has hardened as the refugee population has become more fixed, donor funding has waned, and the levels of returns have reduced.⁴ UNHCR introduced its voluntary repatriation scheme in 2002 and has had, at its core, the concept that voluntary repatriation is the preferred durable solution for Afghan refugees living in Pakistan. The quick adoption of this strategy by UNHCR has been criticised as questions were raised on the extent to which returns have been truly voluntary, given conditions in Afghanistan.⁵

The UNHCR scheme currently provides a repatriation package, made up of transportation costs and a cash grant of USD 200 upon arrival at one of the three encashment centres in Afghanistan.⁶ According to UNHCR, some 4.3 million

² UN Migration Agency Supports Pakistan's Documented of Undocumented Afghans (24thMay2018) https://pakistan.iom.int/unmigration-agency-supports-pakistan%E2%80%99s-documented-undocumented-afghans24thmay2018

³ Brief on Afghan Refugees, Chief Commissioner Afghan Refugees Government of Pakistan, December 2018

⁴ HRCP (2009).

⁵ HRCP (2009), Hammerstad (2013), Hiegemann (2014)

⁶ At one stage, the assistance was USD 400 and encouraged Afghans to avail this support. This amount has now been reduced to USD 200.



registered Afghan refugees have returned from January 2002 to November 2018 as can be seen in the graph below:

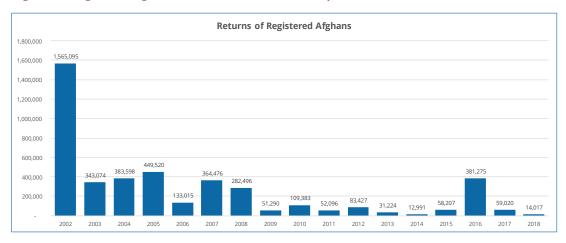


Figure 6: Repatriation Statistics of Registered Afghan Refugees

Repatriations through the scheme were at their highest in the period following the 2001 events in Afghanistan. Figures dropped dramatically in subsequent years. Repatriation from Pakistan reached exceptionally low levels from 2011 to 2014, as security deteriorated and both the Afghan presidential elections and the drawdown of international forces approached. In 2016, there was a significant increase in the repatriation of registered Afghans (i.e. PoR cardholders) reaching up to 381,275 individuals. This figure does not include the 248,054 undocumented Afghans who returned from Pakistan during 2016.⁷

Regulatory framework for Afghans living in Pakistan

The regulatory framework for the management of Afghan refugees in Pakistan is the regional Solutions Strategy for Afghan Refugees (SSAR). It was developed by the Islamic Republics of Afghanistan, Iran and Pakistan with the support of UNHCR, and endorsed by the international community in 2012 in Geneva.

The SSAR serves as an overarching framework to identify and implement lasting solutions for Afghan refugees in the region. The three main pillars of the SSAR in Pakistan are:

- Voluntary repatriation
- Sustainable re-integration
- Refugees Affected and Hosting Areas Development (RAHA)⁸

The Government of Pakistan has reaffirmed its commitment to the SSAR at different high-level international fora such as the Wilton Park Forum on Protracted Forced Displacement (April 2016), the World Humanitarian Summit (May 2016), the United Nations General Assembly High-Level Meeting on Refugees and Migrants (September 2016) and the Leaders' Summit on Refugees (September 2016). In February 2017, the Federal Cabinet of Pakistan adopted the Comprehensive Policy on Voluntary Repatriation and Management of Afghan Nationals. Between August 2017 and February 2018, the Government of Pakistan carried out a countrywide exercise to identify undocumented Afghans and provide them Afghan Citizen Cards. In 2018, Afghanistan and Pakistan expanded bilateral cooperation on a range of issues, including refugee protection and sustainable return and reintegration, under the auspices of the Afghanistan Pakistan Action Plan for Peace and Solidarity (APAPPS).9

⁷ Return of Undocumented Afghans from Pakistan and Iran – 2016 Overview (IOM) https://www.globaldtm.info/return-of-undocumented-afghans-from-pakistan-and-iran-2016-overview/

⁸ The RAHA programme was initiated in 2009 by the Government of Pakistan in partnership with a consortium of UN -agencies. Through a package of integrated services, RAHA provides development and humanitarian assistance to both Refugee Affected Areas (areas that were previous heavily populated by Afghans but where the majority of refugees have repatriated to Afghanistan) and Refugee Hosting Areas (communities that currently play host to Afghans in villages, urban and rural populations).

⁹ 2018-2019 Solutions Strategy for Afghan Refugees - October 2018



Actor and Intervention Mapping

Below is a colour coded list of actors providing services to Afghan refugees in Pakistan. The list is divided into government and other stakeholders. It also provides the place of their activity as well as the category of Afghan refugees that these organisations serve.

Table 5: Actors providing services to Afghan refugees in Pakistan

				Refugees			
No	Organisation	nisation Geographical Focus	Nacio Activita	PoR		1.55.5	Relative Level of
140			Main Activity		ban ttlement	ACC & Unregistered	Engagement*
Hum	anitarian Coordin	ation					
1	PHF	All Pakistan	Coordination Amongst INGOs + Refugee Task Force	Yes	Yes	Yes	
2	NHN	All Pakistan	Coordination Amongst LNGOs	Yes	Yes	Yes	
Hun	nanitarian Actors						
1	UNHCR	All Pakistan	Protection / Care & Maintenance	Yes	Yes	No	
2	UNICEF	All Pakistan	Immunisation	Yes	Yes	Yes	
3	WHO	All Pakistan	Immunisation	Yes	Yes	Yes	
4	UNFPA	KP	Women Empowerment	Yes	No	No	
5	UNDP	All Pakistan	RAHA	Refugee Hosting Areas (mainly hosting population)	No		
6	ICRC	All Pakistan	Protection Services	Yes	Yes	Yes	
7	IOM	All Pakistan	Unregistered Afghans	No	No	Yes	
8	IRC	All Pakistan	Health, Livelihoods, Skill Development	Yes	Yes	Yes	
9	ICMC	KP	Livelihoods	Yes	No	No	
10	IMC	KP	GBV	Yes	No	No	
11	Mercy Corps	Balochistan	Education	Yes	No	No	
12	CWS	KP	Health	Yes	No	No	
13	SHARP	All Pakistan (except Balochistan)	Protection	Yes	Yes	No	
14	SEHER.	Balochistan	Protection	Yes	Yes	No	
15	PPAF	KP and Balochistan	Livelihoods	Yes	No	No	
16	REPID	Punjab and KP	Education and Community Protection	Yes	No	No	
Gove	ernment Entities						
1	SAFRONS	All Pakistan	Refugee Management & Coordination	Yes	Yes	Yes	
2	CCAR/CARs	All Pakistan	Refugee Management & Coordination	Yes	Yes	Yes	
3	NADRA	All Pakistan	Refugee Registration	Yes	Yes	Yes	
4	Police/Home Dt.	All Pakistan	Law Enforcement	Yes	Yes	Yes	
5	EAD	All Pakistan	Assistance / Development Policy	Yes	Yes	Yes	
6	Mol	All Pakistan	Security Policy	Yes	Yes	Yes	
7	MoFA	All Pakistan	Foreign Policy	Yes	Yes	Yes	

^{*} The colour coding represents the scale of activities relative to the Afghan population in Pakistan and/or size of the Afghan refugee programme relative to other organisations. The colour green stands for ,actively and closely engaged,' yellow for 'engaged,' orange for 'low engagement,' red for 'very low engagement,' and grey for 'currently not engaged.' The table covers only the main sectors of operations for an organisation.



The Pakistan Humanitarian Forum (PHF) represents 63 International Non-Governmental Organisations (INGOs) delivering humanitarian assistance and development projects in Pakistan. The PHF was formed in June 2003 as a coordination forum, after the need for increased partnership and sharing of information between NGOs was identified during the earthquake in the northern areas in 2002. The Afghan Refugee Task Force (ARTF) is a working group of the Pakistan Humanitarian Forum, established in 2012, with the overall mandate to ensure an adequate perception and engagement of the PHF members on the question of Afghan refugee hosted in Pakistan and beyond. The ARTF is a voluntary group made of PHF members, directly or indirectly involved in assisting Afghan refugee in Pakistan.

The National Humanitarian Network (NHN) is a network of National NGOs (NNGO), founded in 2010, in Pakistan with provincial/regional chapters in Azad Jammu Kashmir, Balochistan, Khyber Pakhtunkhwa, Punjab, and Sindh. The NHN engages with stakeholders throughout Pakistan to promote humanitarian values by influencing policies and building capacities to ensure rights-based humanitarian responses. NHN is open for all national and local organisations engaged in humanitarian assistance and has 147 members across Pakistan. NHN partners are engaged in service delivery and advocacy for Afghan refugees.

The Government of Pakistan provides assistance and policy framework through its different departments. The main government actors for refugees at the federal level are the Ministry of States and Frontier Regions and the Chief Commissionerate for Afghan Refugees (CCAR). The Commissionerate for Afghan Refugees (CARs) is responsible for day to day functions at the provincial level. In addition, UNHCR works with the National Database and Registration Authority (NADRA), the Ministry of Foreign Affairs (MoFA), Ministry of Interior (MoI) and the Economic Affairs Division (EAD).

All Commissioners, including the Chief Commissioner, work under the Ministry of SAFRON. They provide field level leadership to Afghan refugee management in the country. Provincial CAR offices are responsible for the formulation and execution of the federal government policies regarding the administration of Afghan refugees. They serve as a bridge between the federal government and provincial governments. The Commissionerate is funded by UNHCR and the Government of Pakistan and coordinates relief work carried out by various UN and national and international aid agencies. CARs implement programmes for Afghan refugees in camps in community development, education, health and WASH. Community development projects provide vocational and technical training to Afghan refugees living in camps. UNHCR supports primary and middle schools. There are functioning health facilities. The legal unit provides advice and assistance to Afghans facing problems related to PoR cards, security, and other legal matters that create a hindrance in the voluntary repatriation of Afghan refugees.

Current programmes

There are a limited number of programmes and projects supporting Afghan refugees in Pakistan. UNHCR has the largest refugee programme in the country and provides services in protection, health, education, community services and other related sectors.

Voluntary repatriation: UNHCR operates two voluntary repatriation centres (VRCs) in Quetta, Balochistan and Nowshera, Khyber Pakhtunkhwa for refugees wishing to repatriate to Afghanistan. Families who want to repatriate are de-registered at the VRC. Returnees receive a cash grant of approximately USD 200 per individual upon arrival at one of the three UNHCR encashment centres in Afghanistan.



Legal assistance: Nine Advice and Legal Aid Centres (ALACs) are operational in the main refugee-hosting areas in all four provinces. They provide free legal support to persons of concern: four in Khyber Pakhtunkhwa; one in Sindh; three in Punjab and Islamabad Capital Territory through partnership agreements with the Society for Human Rights and Prisoners' Aid (SHARP); and one in Balochistan run by the Society for Empowering Human Rights (SEHER).

UNHCR provides support to four Proof of Registration Cards Modification centres operated by the National Database and Registration Authority nationwide. These centres support refugees in the modification and replacement of existing cards, the registration of infants (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. The UN refugee agency has registered 781,659 Afghan children and issued 1,025,785 birth certificates to registered Afghan refugee children across Pakistan from 2008 until 2017.¹⁰

To reduce protection related risks, UNHCR works through protection partners in Balochistan and KP Provinces with religious actors to sensitise them on harmful practices and raise community awareness on protection issues, especially for women and children. Furthermore, women are supported through the provision of soft vocational skills training and English learning courses.

Education: UNHCR supports 153 schools, 48 satellite classes and 55 home-based schools educating 57,000 refugee children.

Health: UNHCR supports health in refugee villages. Women and children enrolled in preventive and reproductive health care programme receive routine immunisation services as well as antenatal and postnatal care. Polio eradication campaigns were conducted in refugee villages by WHO, UNICEF and the health department, with assistance from UNHCR's partners.

Livelihood: UNHCR Pakistan assists Afghan refugees and host populations in learning artisanal skills; male and female trainees are currently producing 43 types of crafts.¹¹

Refugee Affected and Hosting Areas Programme (RAHA): Since 2009, the Government of Pakistan has been implementing the Refugee Affected and Hosting Areas (RAHA) initiative. This joint initiative launched in 2009 between the Government of Pakistan and a consortium of UN agencies, serves as a cornerstone for the implementation of the Solutions Strategy for Afghan Refugees. RAHA is a principal responsibility-sharing platform for maintaining protection space for Afghan refugees. It is an integral part of the Government's Policy on Voluntary Repatriation and Management of Afghan Nationals and a key component of the regional Solutions Strategy for Afghan Refugees (2015-2017). RAHA implements a wide variety of projects across the sectors of education, health, livelihoods, infrastructure, water, sanitation and social protection. As of October 2018, over 4,100 projects with a total value of USD 200 million have been implemented across all provinces of Pakistan and five tribal districts of KP (formerly Federally Administered Tribal Areas - FATA), benefitting over 10.94 million people. In 2018, projects were implemented through government line departments, NGOs and direct implementation by UNHCR. Currently, 21 projects are implemented throughout Pakistan, 14 of which (education, health, water and community infrastructure) are in Khyber Pakhtunkhwa, three projects (livelihoods and health) in Islamabad and four projects (education and health) in Balochistan. UNHCR is seeking funding for additional projects which have been approved by provincial task forces and the Ministry of SAFRON.

¹⁰ United Nations Pakistan Magazine 1/2018 https://unhcrpk.org//wp-content/uploads/2018/05/UN-Pakistan-Magazine-2018.pdf

¹¹ UNCHR Fact Sheet, Islamic Republic of Pakistan, 31 October 2018 https://data2.unhcr.org/en/documents/download/66970



Other programmes:

PPAF: Pakistan Poverty Alleviation Fund (PPAF) and UNHCR are implementing a programme to help provide sustainable livelihood opportunities to both Pakistani nationals and Afghan refugees. The programme targets families living in extreme poverty on less than USD 1.25 a day who have no access to basic services. At the end of its 18-month project period – with a total budget of USD1.2 million – it will benefit 2,000 households. Approximately 70% of beneficiaries are Afghan refugees, and 30% are Pakistani host communities in Khyber Pakhtunkhwa's Swabi and Balochistan's Pishin districts. The poverty graduation project focuses on the development of vocational skills, enterprise creation and agriculture initiatives. Trainees will be given toolkits to start an economic activity and will be assisted to create their own business plans.¹²

PRM: The U.S. Department of State Bureau of Population, Refugees, and Migration (PRM) is supporting several projects to address the unmet health, livelihoods and protection needs of older Afghan refugees and host communities in Balochistan and Khyber Pakhtunkhwa provinces through WHO, CWS, IMC and ICMC.

GIZ: The Deutsche Gesellschaft für Technische Zusammenarbeit (GIZ) is implementing a programme titled 'Support for Managing Refugees in Pakistan' with support from the Ministry of States and Frontier Regions. It is a two-year programme implemented in 2017-2019. As part of this programme, the capacity of SAFRON to manage Afghan refugees in Pakistan will be enhanced. Moreover, tensions between refugees and refugee-hosting communities in Pakistan's border regions with Afghanistan will be reduced.

Access to Services for Afghans Living in Pakistan

Access to registration documents

SERVICE	PoR CARDHOLDER			UNREGISTERED
	Camps	Urban settlements	ACC holders	(NO ACC OR PoR)
Registration and documentation				
Access to education				
documentation				
Access to travel documentation				

PoR cardholders: Currently, PoR cardholders (living in camps and urban settlements) have access to registration and other identity documents such as birth certificate, Proof of Registration and Afghan Citizens Cards. There are four PoR Card Modification centres (PCM) located in Peshawar, Quetta, Karachi and Rawalpindi. These centres are used 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. The closure of Mobile Registration Van operations in some areas of Balochistan province is creating issues for cardholders with PoR modifications. It is important to note that due to the efforts involved, deaths of PoR cardholders are significantly under-reported. For example, only 25 deaths were registered/reported by the end of the third quarter of 2018 as compared to 22,364 births registered for the same period.¹³ The colour yellow in the table above

Pakistan Today, PPAF, UNHCR launch programme for poverty alleviation in country, by APP, (Last updated March 29, 2018) https://www.pakistantoday.com.pk/2018/03/29/ppaf-unhcr-launch-programme-for-poverty-alleviation-in-country/

¹³ https://data2.unhcr.org/en/documents/download/66973

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reflects good access to registration and documentation highlighting some minor gaps and corrective actions. Academic documentation (e.g. school enrolment certificate, school leaving certificate, results cards.) are issued to all PoR cardholders by UNHCR or relevant schools. The colour yellow in the table above reflects good access to education-related documentation highlighting some minor gaps and corrective actions.

There are no travel documentation requirements for PoR cardholders living outside camps when moving from one area of Pakistan to another. However, those living in camps receive a travel permit from the Refugee Village Administrator. PoR holders can travel outside the district where they live, to other cities and provinces subject to special provisions or security restrictions where entry is prohibited (e.g. military installations). The colour yellow in the table above reflects good access to travel documentation highlighting some minor gaps and corrective actions.

ACC holders: Currently, the possibility for ACC holders to update their information with NADRA is limited. This option may become available in the future. The colour red in the table represents limited access to registration and documentation services.

UNHCR does not provide education documentation services to ACC holders. Private education providers issue certificates to all their students including ACC holders. The colour orange in the table above represents partial access to education-related documentation highlighting that substantial corrective actions are required.

No travel documentation service is available for ACC holders as can be seen from the colour grey in the table above.

Unregistered Afghans (no ACC or POR): No registration and documentation services are available for unregistered Afghans as indicated by the colour grey in the table above.

UNHCR does not issue any education documentation to unregistered Afghan students. Pakistani schools may admit some unregistered Afghan students and may also issue some documentation to them. The colour orange in the table above represents partial access to education-related documentation highlighting substantial corrective actions are required. Unregistered Afghan refugees have no access to travel documentation as can be seen from the colour grey in the table above.

Conclusion: PoR cardholders have access to necessary registration documents whereas this service is available on a limited scale to ACC holders. Unregistered Afghans have no access to such services. PoR cardholders have access to better education documentation. In comparison, ACC holders and unregistered Afghans have limited access and can get some documentation, mainly from the private sector. All Afghans can travel to other places, but those without a legal document or a travel document are at higher risk of apprehension when they travel outside their usual place of residence. All Afghans living in camps require documentation to travel from one place to another. Those living in camps get these documents from the Refugee Village Administrator. At the same time those who are unregistered, ACC holders or PoR cardholders living in urban settlements do not have access to any office that can provide such documents. A travel document reduces the likelihood of harassment from law enforcement services, especially when an Afghan travels from one district to another or from one province to another.



Access to legal aid

	Por Cardholder			UNREGISTERED
SERVICE	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Access to legal aid (civil cases)				
Access to legal aid (criminal cases)				
Access to GBV-related assistance				

Immigration framework: The presence of foreigners in Pakistan is governed by the Foreigners Act 1946. Foreign nationals require a visa to legally enter and stay in Pakistan, a process overseen by the Federal Investigation Agency (FIA). The Foreigners Order 1951 enables the State to impose restrictions on stay (section 7), employment (section 10), movement (section 11) and provides the power to arrest and detain (section 15).

In 1997, the Ministry of States and Frontier Regions (SAFRON) issued a circular stating that 'during the temporary stay for Afghan refugee in Pakistan all laws applicable to the local citizens shall apply to Afghan refugees. However, the provisions of the Foreigners Registration Act and other such rules pertaining to foreigners residing in Pakistan do not apply to Afghan refugees.' On 2 February 2001, a further circular set out that 'henceforth, all those Afghan nationals, who do not possess "refugee cards/refugee permits" issued by UNHCR/CAR or who have not been granted visas on their passports shall be considered as illegal immigrants and will be handled as per the Foreigners Act and laws applicable to foreigners.

From 2007, registration under the PoR scheme has been regarded as providing an exemption from the general provisions of the Foreigners Act 1946. Those who are unregistered considered to be illegal immigrants and are subject to arrest and deportation under section14 of the Act, the Order and several associated criminal provisions.¹⁵ Deportation provisions are outlined in sections 14A and 14B of the Foreigners Act 1946. Since 2007 until the issuance of ACC in 2018, there was no major change in the legal status of Afghans living in Pakistan.

PoR cardholders: Legal aid (in civil cases, in general against another Afghan national): Every Afghan living in Pakistan, irrespective of his or her legal status, can apply to civil courts. This is a fundamental right guaranteed by the Constitution of Pakistan and The Civil Procedure Code 1908, which allows Afghans to sue or be sued in a court of law. For example, a registered or unregistered Afghan can file a suit for recovery of money, against a fellow Afghan and obtain a decree. However, the execution of that decree may pose a problem. PoR cardholders can seek assistance from organisations that bear the cost of litigation and support them in getting judicial relief whereas non-PoR cardholders must bear the cost of expensive litigation themselves. This is one of the reasons they do not seek recourse in courts and chose instead to have their matters settled through Alternative Dispute Resolution. At the end of October 2018, UNHCR was providing free legal assistance to PoR cardholders through nine Advice and Legal Aid Centres (ALACs) in the main refugee-hosting areas in all four provinces. Of these four are in Khyber Pakhtunkhwa, one in Sindh; three in Punjab and Islamabad, and one is in Balochistan.

¹⁴ Notification No. F. 12[8]-AR. 1/96

¹⁵ For example, section 3 of the West Pakistan Maintenance of Public Order Ordinance 1960, section 107 of the Criminal Procedure Code 1898, sections 55, 109, 144 of the Pakistan Penal Code 1860.

¹⁶ Section 83 when aliens may use CPC.



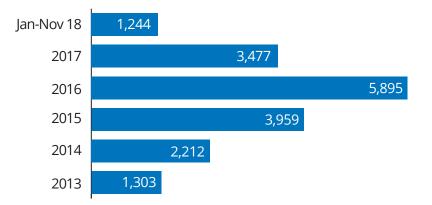


Figure 7: Arrest and detentions of PoR cardholders, by year (Data source: UNHCR Pakistan December 2018)

ALAC centres provide support through: a) legal intervention at police stations upon arrest/detention; b) court representation in case of arrest/detention and issues related to civil/family/tenancy/other matters; c) individually facilitated counselling (legal advice) at ALACs and through helplines; d) out-of-court legal assistance; e) legal sessions in legal camps, shura (traditional community consultative body, mostly composed of men) meetings and facilitated group discussions; and f) coordination with and training of law enforcement authorities including border officials and the judiciary. Some 76% of PoR cardholders released through ALAC interventions had been held without charge.

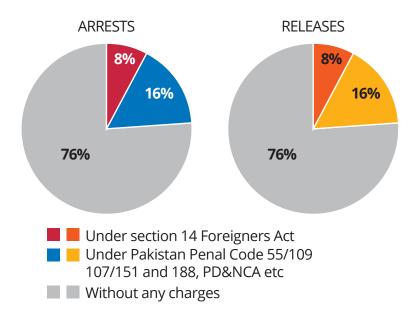


Figure 8: Reasons for the arrest and release of PoR cardholders (Data source: UNHCR Pakistan Dec 2018)

Legal aid (in criminal cases, in general against another Afghan national): Like civil litigation, whenever there is an offence committed by an Afghan against another Afghan, they can set the law in motion by initiating criminal proceedings such as lodging a report with the police. Unlike civil litigation, there are no organisations providing support to Afghan refugees in criminal cases. However, some human rights organisations provide legal support, on an ad-hoc basis. The capacity of Afghans in Pakistan to secure legal support depends on their financial ability to engage a lawyer. This said, non-PoR cardholders involved in a criminal case prefer not to go to the police or seek recourse through the court as this puts them at higher risk of harassment and confinement.

Legal aid (in civil cases against a Pakistani national): PoR cardholders who can afford to engage a lawyer, can bring a civil suit against a Pakistani national. On a case by case basis, UNHCR-supported legal aid organisations provide such individuals with legal aid.



Legal aid (in criminal cases against a Pakistani national): PoR cardholders can lodge a First Information Report (FIR) with the police under section 154 of Criminal Procedure Code. If the FIR is against a Pakistani national (e.g. where a refugee is given a worthless cheque) the offending party may use his influence to exploit the process which could undermine the right to a fair trial for the Afghan national. UNHCR protection partners do not provide legal aid in criminal cases.

GBV-related assistance: GBV-related support, for PoR cardholders, is limited to awareness raising in fewer than ten refugee villages. International Medical Corps (IMC) provides these services in Khyber Pakhtunkhwa. No other organisations provide these services.

ACC holders: Currently there is no legal support available for ACC holders from UNHCR or any other NGO. As explained above, ACC holders can apply to civil courts as a matter of fundamental right guaranteed by the Constitution of Pakistan. There are no GBV related services available to ACC holders.

Unregistered Afghan (no ACC or POR): Unregistered Afghans have no access to legal support neither from UNHCR nor other NGOs. Even though they can seek legal remedy in Pakistani courts, the fear of deportation keeps them from using this course of action. They prefer out of court settlements, which place them in a weak negotiating position. There are no GBV related services for unregistered Afghans.

Conclusions: Even though the Constitution of Pakistan guarantees equal treatment before the law, this right is affected by the legal status of Afghans living in Pakistan as well as their ability to access judicial system and their ability to exercise their rights through a lawyer. UNHCR and other legal service providers support PoR cardholders with legal aid in such cases. Other Afghans do not have access to such services. The absence of legal assistance puts Afghan refugees at a higher risk and limits their ability to acquire remedial measures. Given the exposure of Afghan women to the risk of GBV and the limited availability of these services, there is a major unmet need.

Access to education

SERVICE	PoR CARDHOLDER			UNREGISTERED
	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Access to education				

PoR cardholders: UNHCR and CAR education assistance is available only to PoR cardholders. These services are mostly focused on primary level and are mainly provided in refugee villages with some support available in urban settlements. The colour yellow in the table above reflects good access to primary education highlighting some minor gaps and corrective actions.

An estimated 39% of registered Afghan refugees are school-aged children between 5-18 years old. Of these, 22% have access to formal education in the 25 high-density Afghan refugee districts and 45 refugee villages in Pakistan. The enrolment of Afghan refugee girls remains low at all levels of education and across all provinces. These low enrolment figures are linked to economic reasons, child labour, a protective environment and lack of awareness. Only 18% of schoolage girls are enrolled in UNHCR-funded refugee village schools. Balochistan has the highest girls' enrolment at 65%. Only 20% and 14% of school-age girls are enrolled in Punjab and Khyber Pakhtunkhwa respectively. Urban schools showed even worse statistics with only 14% of girls enrolled. In camps, a lack of infrastructure, the limited absorption capacity of existing schools, quality of education, lack of trained teachers, early learning in the mother-tongue, and relevant curriculum constitute some of the key factors affecting enrolment, retention and transition to post-primary education of

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Pakistani and Afghan children alike. The distance of schools can dissuade enrolment or attendance, especially for female students. For the Hazara community, language abilities are a barrier to accessing government schools. Nearly 50% of children holding PoRs are enrolled in UNHCR run schools or other public and private education service providers.

Recently, UNHCR decided to use the Pakistani curriculum in refugee village schools (mainly primary schools). This is in line with its global education policy which encourages the adoption of the host country's education curriculum. UNHCR's new education strategy aims to facilitate the access of Afghan children to nearby public schools to avoid maintaining a parallel education system, maximise resources and encourage peaceful co-existence amongst refugees and local children. One of the strategies used by UNHCR to support this process is directing RAHA resources (for details on RAHA, please refer to the next section) towards improving existing public sector educational facilities within accessible distances to refugee villages. According to UNHCR, this reinforces the absorption capacity of institutions to benefit both host and refugee communities and contribute to social cohesion. At the end of October 2018, UNHCR supported 153 schools, 48 satellite classes and 55 home-based schools with 57,000 refugee children.

More study options are available in urban areas as compared to rural areas. In practice, as an Afghan student moves up in the classes, s/he gets limited access to education. Afghan refugees who can afford the fees have access to education through private service providers.

In terms of higher education, PoR cardholders can get into formal and technical public and private institutions at college and university level through the UNHCR supported CAR education cell. Admissions are granted on seats allocated by the Higher Education Commission (HEC). As per current policy, every government institution reserves two seats for refugees and only PoR cardholders can apply on this quota. While the unregistered Afghans cannot get admission into UNHCR supported schools, all Afghans can get admission in the higher learning centres managed by Afghans, but such centres are limited. UNHCR also provides tertiary-level scholarships to Afghan refugee youth through the Albert Einstein German Academic Refugee Initiative (DAFI). The beneficiaries are mostly 17-30 years old. In 2018, 400 students were studying in different Pakistani universities on a DAFI scholarship. Similarly, 592 cases were referred to SAFRON for the IDB Scholarship, against which 357 Afghan refugee students were awarded IDB Scholarships.

ACC holders: In general, non-PoR cardholders, including ACC holders, are not eligible to gain admission to UNHCR supported refugee schools nor can they apply for DAFI scholarships. However, ACC holders can attend private schools, colleges and universities. There are private education service providers who serve ACC holders and others. Most of these are Afghans who follow an Afghan government curriculum. As can be seen in the table above, the situation of ACC holders can be ranked as yellow.

Unregistered Afghans (no ACC or POR): No education services are available to unregistered Afghans in Pakistan. The only available option is through private institutions that are hesitant to register such students due to a fear of punitive measures from the government as reflected by the colour red in the table above showing very limited access to education services for unregistered Afghans in Pakistan.

Conclusions: Despite the challenging education context in Pakistan, the government has over the years maintained a generous policy of enabling Afghan refugee children to access public and private schools, recognising this as an essential investment in building the human capital of future Afghan generations. This commitment is firmly rooted in the Constitution (Article 25- A), which stipulates free and compulsory education for all children between 5-16 years regardless of their nationality. However, Afghan children and youth continue facing some difficulties in accessing schools for a variety of reasons, notably the absence of a uniform policy/legal framework developed by the Government of Pakistan that allows for seamless admission of documented as well as undocumented Afghan children in public schools and lack of absorption capacities of public educational institutions.



Housing, land and property

SERVICE	PoR CARDHOLDER			UNREGISTERED
	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Access to housing, land and				
property				

PoR cardholders: Officially, no Afghan can buy or lease¹⁷ housing, land and property in Pakistan. At the same time, Afghans living in Pakistan are secured from unlawful dispossession of their property. Renting¹⁸ property for residential and commercial purposes is possible for PoR cardholders. They can rent land and property for residential and commercial purposes where the rent deed is written between the owner (landlord) and an Afghan (tenant) with two local witnesses. The deed is on a judicial stamp paper and registered at a police station that processes it and returns it to the landlord. Renting shops for commercial purposes is relatively simple: a rental deed is written and signed in the presence of witnesses on a judicial stamp paper. Since Afghans do not have Computerised National Identity Cards (CNIC), they cannot obtain the judicial stamp paper on which this rent deed is written. A widespread practice is for the transaction to be done in the name of a Pakistani. This creates additional risks for Afghans to enforce their property rights. The landlords usually charge higher rents from Afghans as compared to Pakistani nationals. Afghans, irrespective of their legal status, cannot lease out residential or commercial property because they cannot own property in Pakistan. PoR cardholders cannot own vehicles, but they can use them in their daily life. PoR cardholders cannot acquire a driving license, yet the traffic rules and regulations apply to them, which puts them at higher risk of police harassment. Some use their Afghan driving licenses, which are recognised by the Government of Pakistan for six months after arrival. Overall, the situation can be categorised as orange requiring substantial changes to improve it.

ACC holders: Afghans holding ACCs have the same rights as the PoR cardholders concerning access to housing, land and property and their situation can also be categorised as orange requiring substantial changes to improve the situation.

Unregistered Afghans (no ACC or POR): In terms of housing, land and property, unregistered Afghans have no rights. They are forced to adopt creative ways to find a place to live and space to perform business activities. This places them at very high risk of being exploited. They also overpay to acquire access to these facilities.

Conclusions: The 'right to acquire, hold and dispose' of movable property is not guaranteed for PoR cardholders and other Afghans living in Pakistan, but they are protected against unlawful dispossession of their existing property. Pakistani law allows only limited access to housing, land and property for registered Afghans. This leads to situations where Afghans use the credentials of their Pakistani acquaintances to gain access to properties. As a result, Afghans experience a higher risk of being exploited. This also hinders their ability to invest in the country. Landlords charge them higher rents due to their legal status. Overall, all Afghan citizens face higher risks and transactions costs in securing and maintaining property rights.

¹⁷ In the Pakistani context, leasing is a longer term option, often for a term of years. It confers greater rights and security of tenure on the lesee.

¹⁸ Renting is a shorter term option, which confers fewer rights upon the tenant than leasing



Access to health services

SERVICE	PoR CARDHOLDER			UNREGISTERED
	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Access to health services				

PoR cardholders: All Afghans living in Pakistan, including PoR cardholders, have access to health services at primary, secondary and tertiary hospitals. As of October 2018, UNHCR provided basic health services In refugee villages in Khyber Pakhtunkhwa, Balochistan and Punjab through 56 health facilities.

PoR cardholders living in refugee villages benefit from dedicated health services provided through Basic Health Units (BHUs). PoR cardholders receive routine immunisation services as well as antenatal and postnatal care. Polio eradication campaigns are conducted in refugee villages by WHO, UNICEF and the health department, with assistance from UNHCR partners. The UNHCR run BHUs are being phased out, and Afghan refugees will be required to seek primary healthcare services in their host communities. The main reason for phasing out these BHUs is funding. Also, UNHCR is now moving towards a more integrated service delivery in the refugee-hosting areas. In health facilities run by the Government of Pakistan, Afghans, like Pakistani citizens, are provided with free consultation and medicine. Vaccination services, including polio, are also provided.

Urban communities are generally near government hospitals, private clinics and other health facilities. Those who can afford to pay, prefer to access healthcare from private doctors and clinics – those who cannot afford to pay, access treatment at government hospitals. Afghan doctors are also commonly utilised by all community members as they are trusted and charge a minimal fee. Afghans, irrespective of their legal status, are issued vaccination cards. Unregistered Afghans are issued vaccination cards by BHUs. Private health facilities treat all Afghans, regardless of their legal or registration status.

Afghan refugee women living in refugee villages have good access to reproductive health (RH) services with over 85% antenatal coverage and 60% of deliveries by trained attendants, mainly as a result of their relatively easy access to the health facilities located in the Refugee villages.¹⁹ According to estimates, every year, there are more than 56,000 pregnant women who urgently need maternal health care.²⁰ The United Nations Population Fund (UNFPA) is the leading UN agency for sexual and reproductive health, currently providing life-saving services to ensure every childbirth is safe. However, a shortage of supplies and the lack of trained midwives continue to threaten the lives of mothers and their children in camps and hosting areas.

ACC holders: ACC holders have access to the same services as PoR cardholders. These services, including reproductive health, are available at government-run health facilities.

Unregistered Afghans (no ACC or POR): Services for unregistered Afghans 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. This also hinders the access of women to RH services.

Conclusions:Even though the Government of Pakistan and UNHCR have been providing essential health services for Afghans in Pakistan, there is still a need to improve further access to health services for Afghans living in Pakistan. Since 2014-18, UNHCR has contributed USD 38 million to support healthcare for both refugees and refugee-hosting communities. UNHCR aims to invest resources in the government's healthcare system to enhance quality. Overall, there is a need to improve the coverage of primary, secondary and tertiary care health services in refugee hosting area. Particular emphasis should be given to reproductive health and services for children to reduce morbidity and mortality.

¹⁹ UNHCR Pakistan website, Health https://unhcrpk.org/health/

²⁰ Daily Times, Reproductive Health Programme to Help Afghan Refugees Access Quality Healthcare, September 12, 2018 https://dailytimes.com.pk/299603/reproductive-health-programme-to-help-afghan-refugees-access-quality-healthcare/



Access to financial and communications services

SERVICE	PoR CARDHOLDER			UNREGISTERED
	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Ability to open a bank account				
Ability to receive foreign remittance				
Ability to pay direct taxes				
Access to own a mobile SIM				

PoR Cardholders: Opening a bank account requires a Pakistani identity card or a valid visa of a particular category. In the absence of these, PoR cardholders cannot open bank accounts. It also means the employers pay salaries through open cheques to their Afghan staff. As there are many Afghans with relatives in other countries, it also hampers their ability to receive money through the legal banking system. As a result, Afghans use either hundi services or Western Union which only require some form of legal identification documents such as PoR card. PoR cardholders cannot register with tax authorities and are thus unable to pay direct taxes.

PoR cardholders can own mobile phone SIM cards, which requires thumb impression verification.

ACC holders: ACC holders cannot open bank accounts or pay direct taxes, but they can receive remittance by showing their passports and other identity documents. ACC holders cannot own a mobile SIM.

Unregistered Afghans (no ACC or POR): Unregistered Afghans cannot open bank accounts or pay direct taxes, but they can receive remittance by showing their passports and other identity documents. Unregistered Afghans cannot own a mobile SIM. This means that ACC holders and unregistered Afghans face challenges with the communications. This hinders their ability to live a normal life.

Conclusions: The inability of Afghans in Pakistan to open bank accounts or pay direct taxes limits their prospects of joining the formal economy and contribute to taxes. This also limits their options to receive remittances through formal banking channels. Any change in the framework conditions concerning these issues will help Pakistan's economy. As ACC holders and unregistered Afghans cannot own mobile SIM, they face challenges with the communications. To overcome this issue, they either get a SIM issued on someone's else name, borrow phones from an acquaintance or, in some cases, use SIMs issued by Afghan mobile phone companies based in Afghanistan. All these create concerns amongst Pakistan's security forces as they are not in a position to link particular phone calls with the caller. Thus, a rethinking of this policy is required.



Access to livelihoods and the job market

	PoR CARDHOLDER			UNREGISTERED
SERVICE	Refugee villages	Urban settlements	ACC holders	(NO ACC OR PoR)
Formal employment market				
Informal employment market				
Access to subsidised wheat flour				

PoR Cardholders: PoR cardholders have better, albeit limited, employment opportunities as compared to unregistered Afghans. While they are entitled to seek lower level employment in the formal job market, most PoR cardholders are engaged in hazardous occupations in the informal economy. Jobs in the informal sector are mostly based on oral transaction and provide little job security nor do they offer written contracts and other terms and conditions of a formal job. Some PoR holders work for humanitarian agencies. However, these organisations face challenges in employing Afghan refugee even those with 'Allowed to Work Status' granted by SAFRON and tend to limit the engagement of PoR cardholders to lower level support functions. The Government of Pakistan requires Afghans to have valid work visas to hold senior management positions.

According to CAR, Afghans should have access to subsidised wheat flour, regardless of their status legal status. According to the food department of Khyber Pakhtunkhwa, the average consumption is 124 KG of wheat flour per year per person at an average cost of PKR 40 per kg. The Government of Pakistan pays a subsidy of around PKR 10 per kg of wheat flour.

ACC holders: ACC holders are not entitled to seek employment in the formal job market. And are mostly employed in the informal sector.

Unregistered Afghans (no ACC or POR): Similar to ACC holders, unregistered Afghans find it more difficult to secure employment. They work mostly as day labourers and usually earn less compared to other Afghans.

Conclusions: There is a long list of factors limiting the access of Afghans to livelihoods opportunities; nevertheless, health hazards, exploitation and abuse, and PoR card expiry/extension were repeatedly cited by interview respondents as the most critical factors hindering many male members of the households from working, in all four provinces with a degree of difference. High uncertainty and unreliability, irregularity, low wages, a low skills base, insecurity, and lack of information were also identified as negatively impacting economic survival. Many boys who go to school also work in the evenings. Many families push young boys and children into labour as they are willing to work on low wages and as adults are unable to find regular work. They also work as apprentices with symbolic wages. Many young Afghan boys work in high-risk and unsafe environments. They spend most of the day away from the protection of their home/family, either picking saleable items from the garbage (e.g. paper, glass bottles, tin cans) or are engaged in begging on streets. ACC holders mostly get their job in the informal job market. Unregistered Afghans find it more difficult to get a job, and they mostly work as day labourers. Thousands of Afghans own or are engaged in small, medium and large-scale businesses, such as selling fruit, vegetables, gemstones, transportation and money exchange. However, most of these businesses are either unregistered or under the proxy ownership of Pakistani friends and relatives. This increases the risk to Afghans of losing their businesses to the proxies as property rights are not enforced. It also means that these businesspersons do not expand their businesses beyond a certain level and operate in the informal economy. To conclude, according to UNHCR, most Afghans do not have regular income sufficient to meet the most basic needs of their households (food, medicine, rent, utilities, and clothing).21

²¹ https://data2.unhcr.org/en/documents/download/62348



Access to assisted repatriation services

SERVICE	PoR CARDHOLDER			LINDECICTEDED
	Refugee villages	Urban settlements	ACC holders	UNREGISTERED (NO ACC OR PoR)
Access to assisted repatriation				

PoR Cardholders: UNHCR is facilitating repatriation of all PoR cardholders. There is no support provided to other Afghans. Since 2012, some 640,161 PoR cardholders have returned to Afghanistan, with over half returning in 2016 alone. Total assisted repatriation from 2002 to November 2018 stands at 4.3 million individuals. At the end of October 2018, UNHCR operated two Voluntary Repatriation Centres in Pakistan (one in Quetta, Balochistan and another in Nowshera, Khyber Pakhtunkhwa). Families who want to repatriate are de-registered at these repatriation centres.²²

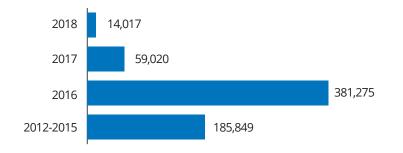


Figure 9: UNHCR assisted repatriations, January 2012 to November 2018 (Data source: UNHCR)

According to IOM, 493,282 unregistered Afghans returned to Afghanistan from 2015 to November 2018, half of which returned in 2016.

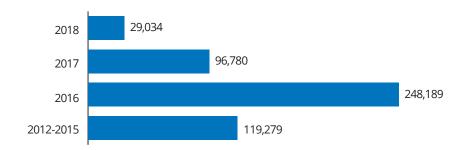


Figure 10: Return of unregistered Afghans from Pakistan January 2015 to November 2018 (Data source: IOM)

More than half of the women were not aware of repatriation grants reflecting the need for more awareness raising amongst the returning population.

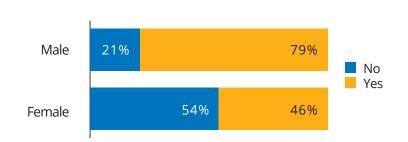


Figure 11: Awareness of cash grants (Data source: UNHCR Afghanistan Repatriation Update October 2018)

²² UNHCR Monthly Update October 2018

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ACC holders: UNHCR does not provide repatriation support to ACC holders. IOM provides some support on the Afghan side of the border.

Unregistered Afghans (no ACC or POR): UNHCR does not provide repatriation support to unregistered Afghans. IOM provides some assistance on the Afghan side of the border.

Conclusions: While UNHCR provides PoR cardholders with repatriation support, no such assistance is available to other Afghans. This highlights the need to develop a framework which could lead to support for ACC holders and unregistered Afghans based on their vulnerability.

Conclusion

The status of Afghans in Pakistan is marked by complexity and is unlikely to be resolved in the coming years. While return remains the Government of Pakistan's preferred solution but the security situation in Afghanistan makes this unfeasible, the millions currently living in Afghanistan are likely to continue living on the margins.

However, the degree of marginalisation – as assessed with reference to access to services – is largely dependent on an individual's registration status. Of the three categories of registration status analysed in this report, PoR cardholders had access to the broadest range of services. While barriers undoubtedly remain, most notably with regards to legal aid for criminal cases, and ability to engage with the formal employment market, it appears that the PoR card confers considerable protective benefits upon the bearer.

The recently introduced Afghan Citizens Card (ACC) has provided an improvement in access to services for those Afghans who were previously unregistered. While not conferring all of the benefits provided by the PoR cards, the ACC provides access to some education, health and legal services, and limited access to registration and documentation services.

Those Afghans who remain unregistered have extremely limited access to services, and as such are likely to be highly vulnerable. Restrictions on their ability to avail of legal and education services, and partial access to health services exacerbates vulnerability and reduces the likelihood that they will ever achieve solutions to their protracted displacement.

As the number of humanitarian agencies providing services to Afghans in Pakistan grows ever smaller, those who rely upon their activities become increasingly vulnerable. Consequently, developments such as the ACC scheme should be cautiously welcomed, and the Government of Pakistan encouraged to reopen the registration process with the aim of further reducing the number of Afghans who remain unregistered. Moreover, the Government should be further encouraged to expand the services available to ACC holders, bringing them into line with those accessible by PoR cardholders.

In parallel to expanding the range of accessible services, this report emphasises the need to increase awareness amongst the Afghan population of the services to which they already have access. The report specifically singles out the areas of education, repatriation support and civil documentation as those in which PoR card and ACC holders have limited knowledge of their rights and entitlements. The humanitarian community can and should support the government in raising awareness of these services, and how to access them. Similarly, existing protection mechanisms such as referral pathways and hotlines could be further utilised.

Much work remains to be done in order to bring Afghans in from the margins of Pakistani society. This report suggests that the provision of registration documentation is one clear way to ensure improved access to services, and thereby confer increased protection upon the most vulnerable in society.



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Annex 1 – Research Questions

Table 6: Key research questions

- 1) To what extent can Afghans living in Pakistan access multiple services which would contribute to the achievement of durable solutions?
- 1.1) Services include inter alia access to registration and documentation; housing, land, property ownership; legal aid; formal and technical education; employment and livelihoods opportunities; and social support functions provided by both governmental and non-governmental service provider.
- 1.2) Analyse the access of undocumented Afghans and make a comparison with the access available to those who hold some form of legal identity card.
- 1.3) Identify gaps in the provision of service and barriers to access, with reference to both humanitarian and government service providers.
- 1.4) Identify the challenges faced by women, and individuals with specific vulnerabilities such as the elderly and the disabled with the particular needs of individuals participating in voluntary repatriation processes.
- 2) To what extent do existing basic services delivery programmes of UN, NGOs and civil society actors address gaps in social services?
- 2.1) Map all stakeholders involved in the delivery of social services, provide an overview of the services offered, including the geographical areas of focus and the targeting criteria for service delivery.
- 2.2) Identify forums for information sharing, referral and coordination when mapping service provision.
- 3) What recommendations can be made, drawing on the findings of earlier research questions, to guide the development of ADSP partners' programming with Afghans living in Pakistan?
- 3.1) Recommendations should address identified gaps and contribute to the development of transitional and/or durable solutions.
- 3.2) Recommendations should be feasible within the current operating context in Pakistan.
- 3.3) Recommendations should prioritise response to the needs of the most vulnerable Afghans, including women, children and people with specific needs.



Annex 2 – The Arrival of Afghans in Pakistan

Afghanistan and Pakistan share a 2,640 km border, with two main official border crossings, at Torkham in Khyber Pakhtunkhwa and Spin Boldak/Chaman in Balochistan.²³ In 2017, Pakistan began constructing a fence at its border with Afghanistan, at an estimated cost of USD 600 million. The fencing is scheduled to be completed in 2020. Before the construction of the fence, it was estimated that 30,000-60,000 people crossed the border each day.²⁴ Due to the long and porous border, as well as close cultural, linguistic and religious ties, there is a history of migration, with Afghans forming an integral part of Pakistan's social landscape. An estimated 80% of Afghan refugees arrived in Pakistan between 1979 and 1985, following the Soviet invasion and the resulting resistance.²⁵ A further influx of 300,000 people followed the United States invasion of Afghanistan in 2001.²⁶ The table below indicates the pattern of arrivals.

Table 7: Arrivals in Pakistan by date (Data source: Census of Afghans in Pakistan 2005

Date	Number	Percentage*
1979-1980	1,551,368	51.0%
1981-1985	890,848	29.1%
1986-1990	258,690	8.5%
1991-1995	165,640	5.4%
1996-2000	133,546	4.4%
2001-2005	49,196	1.6%

^{*} Percentage of the refugee population in 2005 based on the 2005 Census of Afghan Refugees in Pakistan

Annex 3 – Ethnic and Age Composition of Afghans in Pakistan

Most Afghan refugees are Pashtun, with smaller populations of Tajiks, Hazaras, Turkmen and Uzbeks.²⁷ Populations have shown patterns of migration to areas with which they have strong cultural linkages, with Pashtuns largely migrating to areas around Peshawar in Khyber Pakhtunkhwa. and minorities facilitating other minorities: Hazaras to Quetta; and Ismailis to Karachi in Sindh. Patterns of secondary migration have been identified, with more affluent refugees moving to planned, settled areas, while farmers and labourers are more likely to settle in refugee villages.²⁸ An estimated 74% of current Afghan refugees were born in Pakistan.²⁹ Half are under 15, with a further 20% aged between 15 and 24.³⁰

²³ International Crisis Group (2014).

²⁴ Interview with the Commissioner for Afghan Refugees.

²⁵ Statistical Report on the Census of Afghans in Pakistan (2005).

²⁶ AREU (2006).

²⁷ 85% according to UNHCR (2014).

²⁸ Taha and Aamir (2012).

²⁹ Brief on Afghan Refugees, Chief Commissioner Afghan Refugees Government of Pakistan, December 2018

³⁰ Brief on Afghan Refugees, Chief Commissioner Afghan Refugees Government of Pakistan, December 2018



Annex 4 – The Legal Status of Afghans in Pakistan

In the absence of a national refugee law, refugees are theoretically subject to general immigration provisions governing entry into, presence in and departure from Pakistan for foreigners. However, Afghan refugees have been treated differently from the general body of foreign visitors to Pakistan. Initially, following the influx of refugees in 1979-1985, Pakistan's response was one of tolerance and Afghan refugees were allowed freedom of movement and to work. Registration of Afghan refugees was officially required from 1979, with the establishment of the Commissionerate for Afghan Refugees. The WFP passbook, entitling refugees to food aid was informally recognised as a form of identity document until the cessation of food aid in 1995. Until the introduction of PoR cards in 2007 Afghan refugees had no access to any form of identity papers.³¹ The PoR card does not confer refugee status, or access to any legal status, but provides an exemption to the provisions of national law relating to illegal entry and the associated penalties. Those refugees not included in the 2007 registration exercise are regarded as illegal immigrants under the Foreigners Act 1946, the associated Foreigners Order 1951, the Penal Code 1860 and Criminal Procedure Code 1898.

The registration system, agreed with UNHCR in 2007, does not grant registered Afghans refugee status. While UNHCR refers to those registered as "refugees," their 2007 registration exercise did not screen individuals for asylum needs. UNHCR continues to conduct individual refugee status determinations for asylum seekers in Pakistan, usually for the purpose of third country resettlement. Pakistan recognises these UNHCR status determinations and allows those granted refugee status to remain in the country pending identification of durable solutions. ³² A small number of refugees – those who receive status determinations – are resettled to third countries. UNHCR does not consider all PoR cardholders to be refugees as defined under the Refugee Convention. In Pakistan, UNHCR does not conduct group status determination or grant prima facie status to Afghans. Instead, most Afghan refugees remain in legal limbo, which creates considerable uncertainty and instability.

Annex 5 – The Right to Pakistani Citizenship for Afghans

The acquisition of Pakistani citizenship is dealt with under the Pakistan Citizenship Act 1951, and Naturalization Act 1926, with procedures set out in the Pakistan Citizenship Rules 1952 and Naturalization Rules 1961. The law of citizenship acquisition is of potential relevance to Afghan refugees, particularly those born in Pakistan, married to Pakistani citizens, or those who have been in the country for an extended period and have no intention of returning to Afghanistan. Citizenship can be acquired by birth, descent, naturalization and marriage.³³ Section 4 of the Pakistan Citizenship Act provides that "Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth".³⁴ Section 5 provides that "Subject to the provision of section 3 a person born after the commencement of this Act, shall be a citizen of Pakistan by descent if his parent is a citizen of Pakistan at the time of his birth". Although section 4 appears to provide

³¹ Morgesson (2007).

³² UNHCR (2014).

³³ See ss4-7 Pakistan Citizenship Act 1951

³⁴ Originally applicable to fathers only but amended in 2000 to enable mothers to pass citizenship by descent.

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a territorial model of citizenship, it has been held that it must be read together with section 5, which would exclude children born to foreign parents residing temporarily in Pakistan, regardless of the length of their stay, from acquiring citizenship.³⁵ While the Act itself makes no specific reference to Afghan refugees, the Pakistani courts have made clear that the Afghan refugee population is to be regarded as temporary and thus excluded from citizenship acquisition (it also applies to the children of diplomats and other foreigners residing in Pakistan on work or business visas). Any change in this interpretation would require a successful claim before the Supreme Court.

Naturalization provides a method of citizenship acquisition through lengthy stay within Pakistan. The Naturalization Act provides that a person residing within Pakistan for 5 years within the preceding 8, 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 (Section 3 of Naturalization Act and Section 9 of Pakistan Citizenship act.).³⁶ There is no data available on how many people have acquired citizenship. The granting of citizenship through naturalization is discretionary and has not been exercised in favour of Afghan refugees who otherwise meet the criteria.

The Citizenship Act provides that a woman may acquire citizenship through marriage to a Pakistani man, but not vice versa. This breaches Pakistan's constitutional provision of equality and its international obligations under the Convention on the Elimination of Discrimination Against Women.³⁷ The section was upheld by the Lahore High Court but has been declared as repugnant to Islam and the Constitution by the Federal Shariat Court. ³⁸ ³⁹ ⁴⁰

³⁵ Ghulam Sanai v The Assistant Director of National Registration Office Peshawar PLD 1999 Peshawar 18.

³⁶ See s3 of the Naturalization Act 1926.

³⁷ Discussion on Pakistan's non-compliance in granting nationality can be found in "Pakistan NGO Alternative Report on CEDAW 2012", Aurat Foundation (2012) p61.

³⁸ PLD 1998 Lahore 59.

³⁹ PLD 2008 FSC 1.

⁴⁰ This legal uncertainty led to the temporary suspension/withdrawal of national identity cards previously granted to women who had acquired citizenship through marriage to Pakistani men. The current legal position remains unclear, although it appears administrative steps have been taken to ensure the granting of citizenship by marriage regardless of sex. There is scope for a legal challenge in the event that citizenship is denied to a non-Pakistani male married to a Pakistani female.

