

Considering the Protection Needs of Afghan Refugees in a Regional Context: Pakistan, Iran and Turkey



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NETWORK

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Background

For more than four decades, forced displacement from Afghanistan has had a profound impact on the countries' neighbors and along corridors of human mobility in the broader region stretching from Afghanistan to Pakistan, Iran and Turkey. Following the Taliban's recapture of the country in August 2021, concerns over retributive violence, ethno-religious and political persecution, combined with a burgeoning economic and humanitarian disaster, have pushed further hundreds of thousands of Afghans to flee to neighboring countries, although exact figures remain difficult to verify. As it seems unlikely that conditions in Afghanistan will allow for safe and dignified return conditions in the near to medium future, the current situation and protection needs of Afghan refugees displaced across the region should remain an important priority for refugee assistance actors and rights advocates within Pakistan, Iran, Turkey, and beyond.

While 84% of the world's Afghan refugees and asylum-seekers are hosted in Iran, Pakistan, and Turkey, the international community's refugee and humanitarian response plans have tended to frame their understanding of the regional context for Afghan displacement as encompassing the countries which share a direct land border with Afghanistan. As a result, the situation and conditions of Afghans in Turkey are often not considered in relation to the broader regional dimensions of Afghan exile and refuge. And yet, the availability and quality of protection and livelihoods for Afghans in Iran and Pakistan has a direct impact on the volume and composition of onward movement of Afghan refugees from these countries to Turkey, as well as to destinations further within Europe. Indeed the prospect of large-scale Afghan arrivals from Iran and Pakistan continues to be a key concern on the part of Turkish policymakers in shaping the country's irregular migration response, which is particularly visible along its eastern border with Iran.

While Turkey, Iran and Pakistan collectively host a sizable majority of the world's internationally displaced Afghans, they have not received adequate support and solidarity from the international community commensurate with the needs of this population as well as those of their respective host communities. Moreover, the support extended by public and private initiatives from the Global North has not been consistent throughout the last many decades nor far-reaching enough, with resources typically being mobilized in response to watershed moments of mass movement and focused on evacuation and third-country placement—

as witnessed most recently in the aftermath of the withdrawal of coalition forces in August of 2021.¹ While such initiatives have led to critical interventions for a significant number of Afghans in need, there remains a vast multi-generational community spanning multiple countries with unmet needs, unable to access the protections and opportunities available in the Global North.

With the goal of strengthening cross-context awareness of the regional manifestations of Afghan displacement and enhancing the ability of national protection actors to tailor services for and to inform advocacy undertaken on behalf of this diverse community living in the region, the Refugee Solidarity Network (RSN) and Refugee Rights Turkey (RRT) brought together more than forty representatives of civil society organizations working on Afghan refugee issues in Iran, Pakistan, and Turkey at a regional convening held in Istanbul in May of 2022.²

Refugee Solidarity Network (RSN) and Refugee Rights Turkey (RRT) have been working together since 2015 to expand access to quality legal protection interventions for refugees from Afghanistan and other countries of origin in Turkey. The two partner organizations are also involved in promoting rights-based solutions for refugees, in part by fostering dialogue and collaborations among rights advocates in countries in the Global South, broadly defined, hosting large refugee populations or which manage complex migration flows (“triangular cooperation” and “South-South exchange”).³

This event report outlines the outcomes of the May 2022 convening, highlighting the primary protection challenges faced by both Afghan refugees living across this region and the civil society actors providing support to these communities while also identifying key areas of opportunity and potential future collaboration.

⁴ A number of state-led evacuations such as the US’ “Operation Allies Welcome” and subsequent policy changes such as *amendments to the Afghan SIV program* are illustrative of rapid but narrowly-focused response to moments of ‘crisis.’ These turns in policy are regularly accompanied by *support programs initiated by civil society organizations*.

⁵ In light of operational sensitivities in these contexts, participants and participating organizations will not be named in this event report.

⁶ Refugee Solidarity Network, Sin Fronteras I.A.P., and Refugee Rights Turkey. “Bridging Refugee Rights in Turkey & Mexico,” 2019. <https://refugeesolidaritynetwork.org/wp-content/uploads/2020/05/Bridging-Refugee-Rights-in-Turkey-Mexico.pdf>; see also Refugee Solidarity Network and Open Society Justice Initiative. “Undoing Precarity: Elevating Positive Practices for Refugee Protection in South and Southeast Asia,” August 2022. <https://refugeesolidaritynetwork.org/reports/undoing-precarity-elevating-positive-practices-for-refugee-protection-in-south-and-south-east-asia/>.

International Seminar on Policy Responses & Protection Services for Afghan Refugees in Turkey, Iran and Pakistan

Given the dual aims of increasing awareness of regional dynamics among refugee rights defenders and fostering connections among advocates, RSN and RRT brought together a varied group of participants including Turkish lawyers representing Afghan asylum-seekers in Turkey and refugee rights community members in addition to experts on Afghanistan as well as representatives of civil society organizations providing support to Afghan refugees in Pakistan and Iran.

The International Seminar featured presentations on the historical and socio-political context underlying multiple episodes of forced displacement out of Afghanistan, as well as the history and present-day conditions of reception for Afghan refugees in Pakistan and in Iran, alongside the legal frameworks governing this area in all three host countries. These presentations were followed by an audience-led discussion on common issues faced by displaced Afghans across the region and opportunities for regional coordination and collaboration.

Discussions on the protection landscape for displaced Afghans across all three countries identified common challenges relating to access to registration opportunities for asylum (whether with government authorities or UNHCR) and corresponding limitations facing Afghans in accessing legal status and documentation. The discussion also highlighted the common challenges of accessing basic rights and entitlements, including health care, education, and opportunities for livelihoods/self sufficiency. Participants reiterated the insufficiency of durable solution prospects out of the region for Afghan protection-seekers, contributing to a widespread feeling that countries in the immediate region of Afghanistan shoulder a disproportionate share of responsibility among the global community with regards to Afghan refugees.

Regional experts across the varying contexts connected on more granular concepts, such as **limited access to accurate and up-to-date country of origin information (COI)**. Participants voiced their **desire to engage in more frequent Global South-Global South exchanges** on issues such as providing protection to refugees, with a particular emphasis on the **need for a strengthened understanding of the conditions faced by unaccompanied Afghan minors** on the move across Iran, Pakistan, and Turkey.

During the final session of the international seminar, participants were invited to reflect on the potentials for collaboration between Turkish refugee rights defenders and their peers in Pakistan and Iran towards improved protection for Afghan refugees. Participants highlighted the rapid pace of change regarding conditions in Afghanistan and the difficulty for practitioners and advocates to be aware of changing dynamics and evolving patterns of violence and danger facing certain groups. As a result, the most pressing areas of potential future collaboration revolved around knowledge and awareness. The first concrete initiative suggested was the **production of up-to-date, accurate and objective COI materials** focused on conditions faced by Afghans in Afghanistan, Pakistan, and Iran and covering both generalized threats as well as socio-economic and individualized threats to safety and well-being. In addition to reference materials, participants underscored their **desire to attend additional training and specialization seminars** covering these topics with the input of regional experts.

Speaking about how their work to assist Afghan refugees could be further supported, Turkish legal practitioners in particular mentioned the need for **greater availability of interpretation and translation services** to facilitate communications with Afghan refugee clients and for **improved communication and referral mechanisms** between both governmental and civil society actors and stakeholders. Another practical gap faced by those working in the field was the fact that there is **no widely-accessible collection of exemplary and/or precedent-setting court decisions** regarding issues pertinent to Afghan refugee clients in Turkey. As a result, practitioners mentioned that they faced difficulties in identifying emerging trends in courts' reasoning and in constructing effective case strategies.

Specifically vulnerable populations among the Afghan community were identified and the issues facing families and unaccompanied minors flagged as potential points of collaboration between Turkish, Pakistani and Iranian civil society organizations and refugee rights defenders. In particular, audience members from each country recognized the opportunity to conduct **joint advocacy aimed at implementing best practices for age assessment procedures** which are carried out to determine the age of individuals who claim to be under the age of 18. Participants also noted that the lack of reliable, transparent statistics regarding refugee and asylum seeking populations in each host country represented a potential opening for **collective advocacy aiming to promote greater government accountability in terms of public reporting** on the demographic profiles of such communities.

Upon completion of the event, based on post-event evaluation results, all participants agreed that their awareness and knowledge with regard to the regional factors underlying Afghans' displacement and relevant actors across the regional context had improved as a result of their attendance.



The Way Forward

The event served a foundational role in the course of RSN's initiative to stimulate a more targeted regional movement in response to the Afghan displacement crisis. While a range of coordination and collaboration platforms are available to civil society working on refugee issues from across the globe, there is a dearth in specifically tailored forums that focus on developing states hosting large populations of refugees in protracted situations, and in this case Afghan refugees specifically. This contributes to a concentration of resources, materials, and discussion centering around Global North destinations. The practical needs that attendees identified throughout the course of the international seminar, taken together with the research and individual consultation RSN has undertaken with a range of stakeholders and partners, will inform a number of follow-up activities, previewed below, that aim to address long-standing and widespread gaps facing Afghan refugees and the main communities hosting them.

Specialization Seminars for Turkish Lawyers: Up-to-Date Information on Vulnerable Profiles in Afghanistan with Country Experts

RSN and RRT are planning to organize a series of specialization seminars for Turkish lawyers which will provide up-to-date information on in-country conditions in Afghanistan. These seminars will feature input from country experts and enable attendees to deepen their understanding of conditions in Afghanistan and the risks posed to members of specific profiles, as these evolve. The series will allow for examination of existing country reports, trends in documentation and other forms of evidence available to Afghans fleeing the country, and other topics derived from examination of asylum determinations by authorities.

Pilot Caselaw Database for Turkish Lawyers

Another need which was frequently cited by Turkish lawyers representing refugee clients was improved access to exemplary/precedent-setting decisions from Turkish courts in matters pertaining to asylum-seekers. RSN and RRT will launch a pilot case law database collecting such cases in a single, searchable online portal as an extension of the Refugee Law Informational Platform for Turkish Lawyers, MulteciHukuku.net.

Targeted National and Regional Engagement on Afghan Displacement

With substantial gaps and needs identified and discussed at the national and local level in each context, there is a clear space for active engagement with actors to develop and strengthen capacities and coordination within Pakistan, Iran, and Turkey. To the extent possible, RSN will continue to leverage resources to support partners in their existing programming.

Given the expression of interest by regional actors, RSN and RRT will continue to facilitate opportunities for civil society organizations working to support forcibly displaced Afghans across the broader region to engage in **direct dialogue and knowledge and experience-sharing**. Such opportunities will be tailored to include appropriate formulations of actors, in some cases involving only two contexts for more focused bilateral exchange as well as broader multi-context regional opportunities. RSN and RRT fully appreciate that the region, as formulated through this event and discussed in this report can be expanded to include critical contexts to the East and to the West, namely Europe and India, which host significant Afghan populations. As such, future engagement will seek to broaden stakeholder participation, with emphasis on inclusion of Afghan-led and community-based organizations and perspectives, taking into account the sensitivities and challenges such initiatives face in each context.

RSN and RRT envision a two-pronged approach to future targeted regional engagement. On the one hand, RSN and RRT will coordinate with regional stakeholders, including existing mechanisms and forums such as ECRE, APRRN and others, to contribute to and engage in **joint advocacy** reflecting the perspectives of major host countries to Afghan refugees. Simultaneously, RSN and RRT seek to strategically draw together service providers from across the region to focus on domain-specific **knowledge and experience sharing** and to develop opportunities for **inter-organizational cooperation on behalf of specific individuals and communities**.

While agenda setting in joint advocacy will be led by further consultation with regional actors, there is a clear need for a shift in framing away from short term, humanitarian crisis response and towards a marked **increase in the availability of durable solutions for displaced Afghans**.

These solutions must support the fullest possible realization of displaced persons' rights, and should therefore be coupled with improved and innovative local integration opportunities (such as access to livelihoods and education), opportunities for informed voluntary return and reintegration, as well as increased access to resettlement/other complementary pathways to durable third country residence. Undoubtedly, such a shift will also require a **renewed commitment to international responsibility sharing**, particularly through the allocation of humanitarian and development aid to the world's largest refugee host states.

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In concert with collaboration on regional joint advocacy efforts, RSN and RRT also plan to provide a platform for national level actors from across the region to come together and share their experience and knowledge regarding issues of key cross-regional significance in order to deepen existing capacities among service providers. In particular, and drawing on commonly-expressed needs among regional actors who took part in the May 2022 convening in Istanbul, RSN and RRT aim to collaborate with service providers to produce and distribute more up-to-date and reliable COI materials, as well as to formulate best practices on the support of Afghan UAMs across this broad geographic area spanning from Afghanistan to Europe, including with regards to family reunification and age assessment procedures.







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