

Analysis of Pakistan's Policy Towards Afghan Refugees: A Legal Perspective

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Abstract

This article explores Pakistan's policy towards Afghan refugees since their arrival into Pakistan in 1979. As Pakistan has no refugee related law at national level nor is a signatory to the 1951 Refugee Convention or its Protocol of 1967; but despite of all these obstacles it has welcomed the refugees from Afghanistan after the Russian aggression. During their stay here in Pakistan, these refugees have faced various problems due to the non-existence of the relevant laws and have been treated under the Foreigner's Act of 1946, which did not apply to them. What impact this absence of law has made on the lives of these Afghan refugees? Here various phases of their arrival into Pakistan as well as the shift in policies of the government of Pakistan have been also discussed in brief. This article explores all these obstacles along with possible legal remedies.

Key Words: Influx, Refugees, Registration, SAFRON and UNHCR.

Introduction

Refugees are generally casualties of human rights violations. What's more, as a general rule, the massive portion of the present refugees are probably going to endure a two-fold violation: the underlying infringement in their state of inception, which will more often than not underlie their flight to another state; and the dissent of a full assurance of their crucial rights and opportunities in the accepting state. The legal-framework inside which the refugees are placed remains described, from one perspective, by the principle of state sovereignty and the related standard of regional hegemony and self-safeguarding. On the other hand, contending humanitarian values arise from general international law and treaties ([Goodwin-Gill, 1983](#)). The global legal system for the protection of refugees, whose foundation is given by the 1951 United Nations (U.N) Convention Relating to the Status of Refugees (1951 Convention) and its Protocol of 1967, endeavors to ensure against such infringement. At any rate, these traditions again recommend obligations and commitments, which are occupant upon states in their treatment of haven searchers and refugees.

The beginning of the conflict in Afghanistan in late 1970 brought

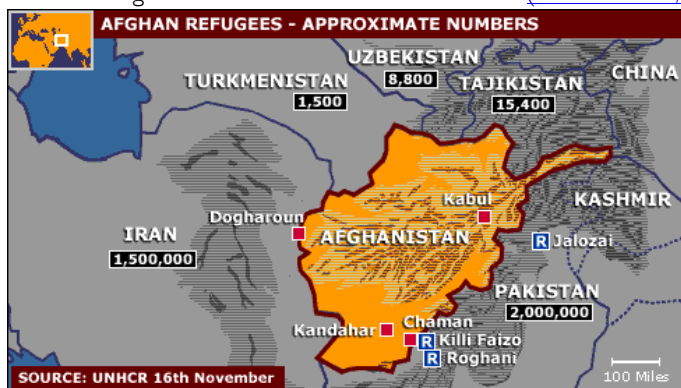


Figure 1: (<https://reliefweb.int/map/afghanistan/afghanistan-regional-map-afghan-refugees-neighboring-countries>, 2017)

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about considerable refugee streams into Afghanistan's neighbouring nations, i.e., Pakistan, Iran, etc. Pakistan bears one of the heaviest loads, presently facilitating more than 1.6 million registered Afghan refugees, notwithstanding more than 200,000 and 300,000 unregistered refugees all over Pakistan.

Even though the nation has neither signed the 1951 Convention or its 1967 Protocol nor does it have any enactment at the national level for the management of refugees while it is hosting such a large number of Afghan citizens on its territory; therefore, in light of these facts, the legal position of Afghan refugees living in Pakistan isn't clear. Concerning those nations which have not signed any refugee-related conventions, it appears that the problem related to the definition of a refugee is practically eluded. Rather the emphasis should be focused on the protection needs for which the usual recourse should be made to the customary international law rules. The most important one is the principle of non-refoulement, to ensure the refugee protection in those nations. Other entitlements in such nations might be claimed based on human rights conventions signed by a state. However, such redirected activities in Pakistan's case are not necessary as it has already granted prima-facie status to Afghans citizens seeking refuge in the nation ([Zeick, 2010](#)). The determination of refugee status through this way isn't an uncommon type. The majority of the time, recourse is made to it whenever there is a greater number of people involved. This joint type of acknowledgment with respect to Pakistan was not adopted, mirroring a modification in policy, in August 2001, when the nation introduced determination of status by involving individuals instead of joint concerning Afghan refugees recently arrived in assigned camps, and possibly previous cases.

The Government of Pakistan (GoP) handles refugee matters administratively in accordance with the internal national and mutual political and humanitarian concerns ([Khan, 2018](#)). UNHCR has no formal status in Pakistan, and it has been allowed to bargain just with the Afghan refugees after the Soviet Union attack of Afghanistan. The Ministry of SAFRON, which manages Afghan Refugees in Pakistan, normally allow inexhaustible transitory residence cards to UNHCR registered Afghan refugees. The official strategy of the Government of Pakistan is that every Afghan refugee under the UNHCR mandate is permitted to impermanent shelter in Pakistan. Further, Pakistan does not offer permanent resettlement to displaced people allowed impermanent shelter somewhere else.

Universal assurances for the protection of refugees are obviously in themselves to a great extent without much impact unless bolstered by parallel guarantees inside the local structures of the different states, which comprises the international community. This recommends the requirement for a specific concordance between international law, from one viewpoint, and national law, on the other. This need is an affirmation of how international refugee law, to a great extent, if not completely, depends on its adequacy on the readiness of States to regard and apply to the people concerned. Hence, practically, the refugees through arrangements may just appreciate the security cherished in the arrangements of international refugee conventions in the national law instituted by the host or accepting State ([Ahmed, 2014](#)).

Of all the refugee and migration concerns experienced by Pakistan since its inception, the refugees from Afghanistan have a distinct position that has varied throughout the years since their arrival. The research paper will unfold the policy towards Afghan refugees as well as arrangements (municipal laws and ad hoc administrative measures) made by the Government of Pakistan.

Pakistan's Policy Towards Refugees and Immigrants

Pakistan's main legislation for the regulation of foreigners on their soil is the Foreigners Act, 1946, dealing with entry matters of foreigners in Pakistan, their presence therein, and their departure therefrom. As Foreigner's Order of 1951 changed in 2000, it indicates that any foreigner traveling without legitimate travel-documents can be declined to enter Pakistan. Despite the fact that the Order distinguishes the difference between the refugee and other foreigners on the soil, yet there is no arrangement for refugees.

What's more, the Foreigners' Order enables authorities to confine foreigners' movements and living arrangement inside Pakistan and overlooks their arrest and detainment ([Human Rights Watch, 2002](#)). All refugees/immigrants' in Pakistan, unless otherwise determined, are accordingly viewed as illicit outsiders and might be kept in custody by the local authorities unless having the relevant valid travel documents and visa. The majority of cases related to refugees are discharged upon request/appeal by the UNHCR and by the Ministry of SAFRON (States and Frontier Regions). Refugees recognized by UNHCR are considered as illicit migrants anticipating resettlement to their home nation. The recent census of Afghan refugees living in Pakistan, which was done in 2005 and the issuance to roughly 2.16 million Proof of Registration cards (POR) to Afghan refugees enlisted from that point, brought about the long past due to authorization of these refugees, enabling them to legitimately remain in Pakistan till September 2018. All Afghans, beyond five years old, who don't have a POR, are viewed as illicit outsiders.

Pakistan does not have refugees' related laws, and its current laws are not sensitive to refugee searchers. By permitting immigration officers to concede or deny permission entrance to the country in view of legitimate travel papers, the relevant federal law, the Foreigners Order, repudiates the concern international law, i.e., the 1951 Convention, in accordance with refugees ([Younas, 2018.](#)). Despite the fact that GOP has welcomed the World's second-largest number of refugees in the shape of Afghan for nearly four decades, yet it has not signed any refugee's related international document/Convention.

The GoP has sanctioned various international instruments such as; the Convention on the Rights of the Child in 1990, the Convention on the Elimination of All Forms of Discrimination against Women in 1996, and the Convention on the Elimination of All Forms of Racial Discrimination also in 1996, along with International Covenant of Economic, Social, and Cultural Rights since 2004. Unless determined otherwise, refugees in Pakistan, regardless of their age/gender, are dealt with as illicit migrants. Some of them, due to their ambiguous status, convert into a shaky presence, and accordingly, they frequently confront provocation from various national authorities, blackmailing, and the threat of detention /expelling. Vulnerable sections of such community, for example, ladies and youngsters, bear a lopsided weight of these misuses. The Interior Ministry in Pakistan is responsible for the affairs of refugees, which among other functions, regulates their visa regime along with enrolment of their status. Furthermore, a sub-division of the ministry, known as the National Aliens Registration Authority (NARA) since 2001, enlisting non-nationals as outsiders. The Commissionerate for Afghan Refugees (CAR) is a sub-division of the Ministry of SAFRON, which fundamentally manages the Afghan refugees along with other international organizations, for example, UNHCR, International Organization for Migration (IOM), etc.

The lack of strategies on the part of the Government to oversee refugees and migrants, combined with permeable borders, leave the nation unfit to overcome the flood of asylum seekers and illegal migrants. Joined with the political issues of security, a not as much as empowering arrangement condition has fuelled Pakistan's swaying treatment of refugees throughout the years. Refugees who touched base in Pakistan because of contentions other than partition are dealt with as illegal migrants. Subsequently, the number of Bengalis living in Pakistan is around 2million without any legal documents that are attached to the carpet and fishing sectors of the economy apart from working in homes as domestic servants illegally. Refugees from other parts of the World, such as Iraq, Burma, Iran, Somalia, and other countries, have never conceded the status of refugees as per international standards; hence they have no protection from the state. The flood of Afghan national crossing the border in the late 1970s forced Pakistan to allow UNHCR on its soil to make foundation here in-order to offer assistance and facilitation to these displaced people in the shape of medicine, food, shelter, etc. Pakistan officially did not allow refugees to work on her soil until 2003 when the administration permitted refugees to work under an agreement due to which those refugees having recognition from UNHCR, including the non-Afghan refugees living here, were also permitted to work.

Overview of Afghan Refugees' Situation in Pakistan

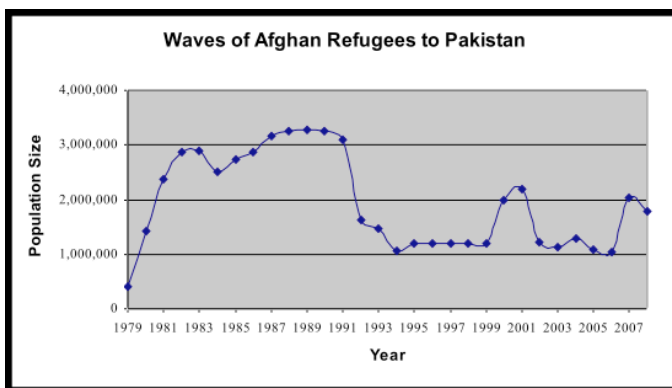
The second biggest refugee populace of the World in the shape of Afghan refugees, has been hosted by Pakistan since the Syrian refugee crises, for the last about four decades. Around 3.5million refugees from Afghanistan at the pinnacle of the crises during the 1980s were recorded. On the worldwide scale, Pakistan keeps on facilitating the second most noteworthy number of refugees (Afghan), with Turkey (Syrian displaced people) in any case. In the beginning periods of Afghan relocation, Pakistan won huge acclaim from human rights organizations and UNHCR for its open border's arrangement. The closer analysis recommends that these arrangements were not the consequence of a specific, deliberate Government way to deal with Afghan refugees, yet fairly symptomatic of the current political stalemate. This impasse inside established institutions has paralyzed arrangement on Afghan relocation, and in reality, prompted the Government to have no technique at all to react to the influx of refugees at the beginning of Afghan displacement. This, thus, started differing and some of the time, conflicting reactions inside Government organizations and municipalities alike.

According to the 2005 census, there had been around 35% of refugees from Afghanistan since 1980 living in Pakistan with the addition of other two real inflows happening in the mid-80s, when there was exceptionally serious war, and with the USSR's departure in 1990 from Afghanistan. As of October 2008, approximately 1.8-2.0 millions of enlisted refugees are in Pakistan, with around one-portion of them living in refugee UNHCR managed camps. The number of Afghan refugees having no registration living in urban communities and towns across Pakistan is obscure; however, it is evaluated to be in many thousands. The numbers of Afghan refugees in Pakistan were assessed until 2005 due to the fact that until at that point, the GoP had never officially registered refugees. However, a mutually supported census in 2005 of Afghans having refuge in the country by the UNHCR-Government of Pakistan, the ensuing listing of the larger part of this populace in 2007, and UNHCR records on assisted-repatriation ever since 2005 has given a superior comprehension of the figures and different socioeconomics of this populace.

The stream of refugees from Afghanistan who looked for asylum in Pakistan since the late 1970s might be distributed into three different groups; the first began with the civil war alongside the USSR's attack of Afghanistan in 1979, the second group of refugees began with the USSR's withdrawal from Afghanistan and following civil-conflict in the late 80s; and the 3rd one run off because of United States of America's driven 'war on terror', after the assault on Twin-Towers.

Nearly eight million of Afghan Refugees have been forcefully dislocated during the forty years of blood-conflict of inter wars and external involvement factors ([Kronenfeld, 2008](#)).

Waves of Afghan Refugees to Pakistan as shown below in figure:



Source: information from UNHCR's online statistical Population Databases (Graph data source: "UNHCR Statistical OnUnited Nations High Commissioner forRefugees (UNHCR)).

Whilst numerous Afghans escaped to Iran, the majority Afghans entered into Pakistan's Khyber Pakhtunkhwa Province, then the North West Frontier Province (NWFP). As per UNHCR, 1.4 million Afghan refugees have registration stay in the country at present (UNHCR). It is essential to note that, because of the historical background of nomadic relocation to Pakistan's adjacent tribal regions, a considerable lot of the displaced Afghans had companions and relatives over the outskirts who shared a typical Pashtun nationality. Before 1970, the real position was that about 75,000 Afghans entered into Pakistan every year (Oberoi, 2006). Therefore, movement between the two zones before the start of the conflict was just a routine matter. But the situation in 1979 was different because most of the migrants were comprised of women, children, and elderly people, who ran away because of a fear of their lives (Oberoi, 2006). This statistic overwhelmed the Afghan refugees' movement for the following forty years.

While analyzing the level of support in Pakistan for Afghan refugees, it may be seen in the light of three basic variables. To start with, global help was solid at the start of the crises in the late-70s and 80s for refugees in Pakistan due to well-known reasons such as the Cold War in between the two blocks, etc., which reduced with the withdrawal from Afghanistan and resulted in the disintegration of USSR in mid-90s. Another factor that contributed to the reduction in support for Afghan refugees in Pakistan was the melt-down effect of the national economy due to the recession during the 1990s. These two elements brought about Pakistan relying vigorously on its own declining limited resources to administer to the expansive refugee populace. The third variable includes further three sections; one is the changing geopolitical scene of the locale that took after because of September 11, 2001, assaults in the United States of America (U.S.); the second one is that Pakistan became part of the U.S. alliance in the "War on Terror"; and the last one is the increase on a global scale in terrorist attacks as a result of which numerous saw Pakistan and Afghanistan as its center.

The Government of Pakistan (GoP) at first profited due to these refugees in terms of financial and military assistance and enhanced its reputation on a global level. The international community appreciated Pakistan for the compassion it showed towards Afghan refugees. Pakistan also made close association with the U.S., which provided funds for Afghan resistance fighters and Pakistan's army amid the Soviet war. Anyhow, the nation also suffered to a great extent due to the so-called "drugs and Kalashnikov culture," for which the Afghan refugees (AR) are always blamed by the national authorities (Oberoi, 2006). Soviet troops, although pulled back from Afghanistan in 1989, the civil war kept on driving Afghans towards Pakistan. This displacement, which is of protracted nature, incurred significant damage to the Pakistani community and Government, which resulted in hatred instead of hospitality in the late 1990s. During this period, the help from the world community also dwindled, due to the fatigue of the donors. With the disintegration of the USSR and change in universal framework, outside forces worried about Afghanistan as a communist threat lost interest for the nation due to internal conflict. Subsequently, due to a decline in funding from the donors as mentioned earlier and an evaluation expressing that food-related help was no more required, as a result of which the World Food Program (WFP) in 1995 in Pakistan cut off its aid to A.R. In the meantime, the UNHCR declared its strategy to eliminate refugee program by the end 1998; however, the fierceness of the Taliban administration kept on compelling Afghan citizens into Pakistan. Because of these variables, the GoP and the public came to see these refugees from Afghanistan as unwelcome and destructive. Pakistan shut its crossing points with Afghanistan in November 2000 and has maintained such a policy for illegal immigrants since then.

Pakistan's Policy towards AFGHAN Refugees

Phase-I of Refugees from Afghanistan to Pakistan (1979)

As mentioned above, three noteworthy distinctive floods of refugees Pakistan has received in the course of recent years accordingly: initially due to USSR's attack, the next one because of the withdrawal of the USSR and emerging civil war, and the last one due to the US-driven war against terror. These geopolitical

impacts, however, could not clarify the underlying acceptance of Afghan refugees in Pakistan, which was built to a great extent in light of Islamic values and beliefs. Civil conflict during the late 1970s was the starting point that produced the first stream of refugees from Afghanistan to Pakistan. Marxists toppled Daoud's Government and took control of Afghanistan in 1977, which had supplanted King Zahir Shah, leader of Afghanistan for a long time, in 1973. The civil conflict broke out in Afghanistan in-between the Pashtoon populace and other minorities such as Uzbeks, Tajiks, Turkmens, and Hazaras, which later on turned into a freedom war for the liberation of Afghanistan from the USSR's occupation. Hence the crises related to refugees from Afghanistan arose in the middle of the Cold War, in a bipolar international framework controlled by the U.S. and the USSR. Even though the superpowers avoided direct confrontation in-order to prevent atomic war, they likewise made a series of "proxy wars," in which developing nations and their subjects moved toward becoming pawns in geopolitical games.

One example of such conflict is the attack on Afghanistan by Soviet armed forces on December 24, 1979. Accordingly, the Government of U.S. stretched out help to those eager to battle the Soviets, including Pakistani dictator General Zia-ul-Haq, and Afghan fighters (Mujahedeens). Because of the resulting war and civil conflict, a great number of Afghans crossed the border to Pakistan left their homes in their country ([Lischer, 2005](#)). In 1979, the major shares of these displaced people were rural-farmers compelled to escape their lands and homes, which had been possessed by the Soviets (Lischer, 2005). The GoP instantly accepted displaced people from Afghanistan and left their affairs to the provincial administrations of the then NWFP (now Khyber Pakhtunkhwa) and Balochistan.

The refugees shared the experiences which prompted the advancement of common political objectives and the combination of strength by Afghan war groups in Pakistan. As researcher M. Nazif Shahrani points out, resistance groups "assumed vital role in [refugee tent village] boards and organization of community affairs." Almost all male refugees invested time and energies battling with one or other resistance groups in Afghanistan (Lischer, 2005). The nomenclature of inhabitants in the refugee camps comprises 48 percent children, 28 percent ladies, and 24 percent made up of men. As noted by a UNHCR assessment in 1987: "the living standards of majority of the refugees are relatively higher as compared with previous position and comparatively with the local groups" ([Lischer, 2005](#)). Over the long period of time, this improvement in living standards of refugees prompted rivalry and strain between the refugees and neighborhood populaces. Kenyon-Lischer depicts refugees' camps as sanctum for Afghans in Pakistan, and a shelter for fighters. In any case, she overlooks psychological components that affected the personal satisfaction of Afghan refugees. The main factor is definition of refugee by the UNHCR and international law that disregards the religious convictions and practices of the refugees. The role of ladies in Muslim society especially features the requirement of religion to be considered when managing refugees' related emergencies.

Phase-II of Refugees from Afghanistan to Pakistan (1989)

Pakistan's relationship due to geopolitics during phase-II took a negative turn with Afghan refugees. The absence of concern and funding at the global level prompted an antagonistic vibe from local populaces toward the refugees. In spite of the fact that the Soviets pulled back in 1989 from Afghanistan, the internal conflict in 1996, prompting the Taliban takeover kept on driving the refugees towards Pakistan. In 1994 the Taliban emerged as Afghan refugees' Islamic fundamentalist movement who were Taliban (students) at Pakistani madrasahs (religious seminaries). Islam's extremist interpretation by the group originated from Deobandism during their stay at the refugee camps, lectured by mullahs (clerics) from Pakistani madrasahs. Many madrasahs during the war era were built in the tribal arias of Pakistan flanking Afghanistan. Free education, shelter, and food along with military training were offered to these refugees as well as Pakistanis in these schools. Extensive poverty and joblessness drove numerous youngsters to become part of the recruitment drive.

The protracted nature of this dislodging inflicted significant damage to Pakistan, and what was at first a generous reception turned out to be antagonistic in the late 1990s. All through the 1990s, a coalition between the Pakistan Peoples Party and the Muslim League ruled Pakistani politics. During this period, global assistance declined partly because of donors' exhaustion, but to a great extent because of changes in geopolitics. With the disintegration of the Soviet Union and changing world-order, states were worried about Afghanistan as a socialist risk lost enthusiasm due to the nation's internal fighting. Global food-related aid and UNHCR's assistance diminished drastically. Because of these elements, Afghan refugees were seen in an increasingly antagonistic light by the public and Government in Pakistan.

In 1999 when General Musharraf, through a military coup, came to power, Pakistan shut its borders to Afghan refugees the next year, contending that it could never again bear the price of such a huge number of refugees without the help of the global community. Even though Islamic and non-Islamic NGOs kept on giving help to Pakistan, it was insufficient to address the issues of the Afghan refugees. This arrangement of events delineates that Islamic Refugee laws alone are lacking in the insurance of refugee's rights and that help from the worldwide community is important to make reasonable solutions for crises of a Muslim refugee.

Phase-III of Refugees from Afghanistan to Pakistan (2001)

In October 2001, when Afghans who were in excess of 65,000 crossed the border without consent into Pakistan, President Musharraf's Government set up a Presidential Fund for Relief to gather funds for aid, rehabilitation as well as the relocation of these Afghans ([Shahzad, 2001](#)). However, Musharraf maintained Pakistan's close-border arrangement toward Afghans looking for shelter. Islamabad rather contended that a large number of refugees it kept on facilitating has now exceeded its ability to give help. Islam became a focal issue in Pakistan's politics under Musharraf, used for bonding a nation broken by various ethnicities and dialects. The Government tried to avoid mainstream secular politicians from picking up places of political authority and kept up a state under the control of military and civil administration ([Haqqani, 2004-2005](#)). By the same token, the Government under Musharraf also started a tough stand against religious extremists. At a discourse in September 2003 in New York, Musharraf urged the audience to remember that the "majority of the political disputes in contemporary world effect Muslim people and nations. The root-cause of fundamentalism lies in the fact that these conflicts have been allowed to fester" ([Iqbal, 2003](#)). He further contended that "The extremist laws or practices through a twisted representation of the Sharia/Islamic law by vested, misguided interests in no way reflect the tolerant spirit and tenets of Islam." ([Iqbal, 2003](#)). After 9/11, Musharraf reshuffled the Pakistani military and disposed of officers with connections to Islamic militants and the Taliban. This anti-fanaticism battle was also reflected in Pakistan's growing hostility towards refugees from Afghanistan.

Initially having a liberal acceptance policy, GoP, later on, turned out to be a hostile state toward the Afghan refugees and played an important role in secularizing this group. After the suspension of the UNHCR's assistance in 1998, the GoP blamed the Afghan refugees for all the menace in the country, such as an increase in crime rate, drug abuse, and recession in the economy, etc. Border closure with Afghanistan in 2000 coincided with A.R.s being seen as a threat to national security. The displaced Afghans were compelled for repatriation to Afghanistan or move to different camps near the border, in this manner dismissing the international standard of repatriation. Pakistan legitimized its arrangement toward refugees on the pretext of security concerns, particularly with respect to the expanding influence and prominence of the Taliban (Munir Akram). During his regime, Musharraf kept a fragile control over Pakistan's military and government machinery. The pressure was built-up on Musharraf due to his close association with the United States and his decision to launch an anti-terrorism campaign in Pakistan's tribal regions. Musharraf and his supporters were beaten in February 2008, in Pakistan's parliamentary elections. A coalition comprised of Pakistan People's Party (PPP) and Muslim League (PML(N)) forced Musharraf to leave the

office. Despite the takeover by the new democratic leadership, the nation somehow faced the same problems which were there before the elections.

After the suicide attacks on the Marriot Hotel Islamabad on September 20, 2008, the tension between the Government and extremists reached climax. This incident mirrors the newly discovered capacity of terrorists to undermine even the capital city of Pakistan, and the increasing strength of Tehrik-e-Taliban (TTP), Pakistan's Taliban expansion (Johnstone, 2008). In order to weaken the position of TTP in tribal areas, the Government of Pakistan launched air and ground operations against insurgent groups. Roughly 70,000 Pakistani armed forces took part in Federally Administered Tribal Areas (FATA) operations since 2001; however, numerous stay hesitant to fight the insurgents, who belonged to the same religion and ethnicity (Revill, 2008). The fight in FATA is still going on, with shocking outcomes for national solidarity and for civilians living in this locale. From 2007 onward, this conflict has forced more than two million Pakistanis from their homes and drove a large number of them to look for refuge in neighboring Afghanistan (Khan M. I., 2009). This internal uprooting of Pakistanis builds the increasing complexity of the Afghan refugees' crises, and the probability of refugees' support will also be pulled back by the GoP. Hence it is important for both governmental as well as non-governmental players to give more help to both Afghan and Pakistani displaced people.

The Impact of Legal Status or Lack There of

Generally, the host nation's receptivity is fundamentally reflected in its laws and strategies influencing refugees. Refugees' strategies have a significant bearing on refugee's access to protection and help and on their personal satisfaction in a nation of first refuge or resettlement. As per the Refugees Convention of 1951, individuals escaping unreliable as well as brutality ridden circumstances are as often as possible perceived as refugees at first sight (i.e., conceded status of refugee in the group, not on the basis of individual assessment), and are given protection according to the status. This is particularly appropriate on account of the mass populace movement to developing nations, which do not have the resources (both human and money related) to complete "individual status determination." Be that as it may, while refugee registration is a method for empowering lawful protection, enabling refugees to get help, and encouraging exact information accumulation in regards to refugee numbers and where-about along these lines encouraging the assurance of the populace's help and protection needs, it isn't generally possible.

In spite of the fact that Pakistan, not a party to any refugee-related convention as mentioned above, still recognizes Afghans as refugees on a prima-facie basis looking for refuge since the USSR's invasion. The Handbook related to the management of Afghan refugees issued in 1981 by the GoP expresses that Afghan nationals seeking refuge would be conceded temporary asylum on humanitarian bases due to sharing the same ethnic, faith, and social values across the border. Predictable with this demeanor, at the start of the arrival of refugees, the GoP attempted to make registration of these refugees. However, during the late-70s, the process of registration sporadically happened with the arrival of fresh refugees, essentially getting to be invisible due to their merging into Pakistan's mainstream society. GoP provided pass-books (Shanakhti/personality

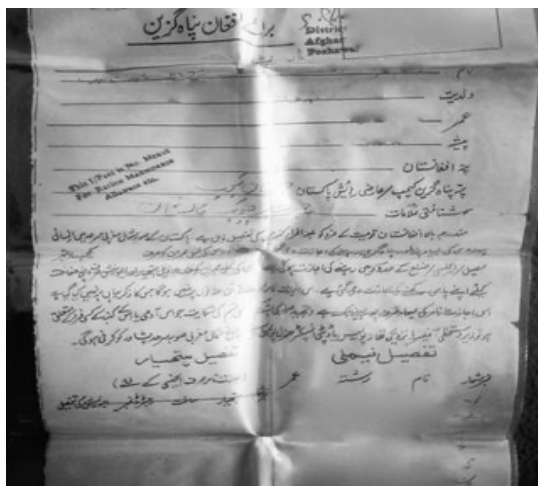


Figure 2:

(<https://www.migrationpolicy.org/article/afghanistan-displacement-challenges-country-move>, 2016)

documents) during the mid-1980s to these refugees and their families, serving the dual purpose that is; identity documents and for getting help (Mohmand, 2018).

From time to time, over a couple of years' onward, the GoP likewise made registration of fresh arriving refugees by issuing passbooks to them for the purpose of accepting just help, which can't be utilized for any other purpose such as identity, protection, etc. However, since then, no endeavors have been made by the government to register refugees, issuance of identity documents (IDs), or allowing legitimate status to them, and UNHCR was likewise not allowed to enlist as refugees the Afghan citizens. Anyway, in 2005 this circumstance changed after the UNHCR upheld the enumeration review of Afghan camp and non-camp refugees and resulting registration of these refugees by mid-2007.

While disregarding international law, the non-appearance of the legal status of refugees was taken in the walk by the UNHCR and the global community on the grounds that although a great part of the 1980s and mid-1990s, refugees did not confront many issues related to protection in Pakistan. Regardless of the absence of legal status, Pakistan had embraced a moderately liberal strategy reinforced by the host populace's general sympathy towards the refugees; due to which a huge number of who had managed to some degree integrate socially and economically as per their education abilities and skills, into Pakistani society. Sometimes, educated Afghans did not get the more lucrative economic opportunities due to the absence of legitimate status, which brought about many like uneducated Afghans joining the non-formal sector and filling in as domestic servants or workers in construction, carpet weaving, and brick making, etc.

The attitude of the Government of Pakistan (GoP) towards Afghan refugees changed from the mid-1990s onward due to the reduction in support from donors, which resulted in a reduction in assistance such as food and other things by UNHCR. In the meantime, as donors' fatigue was setting in, Pakistan's economy also took a downturn, which prompted competition for limited jobs, education, health services, and lodging among the nationals and refugee populaces, which forced the refugees to move out of camps and live in urban centers. Pakistanis were no more seemed to be tolerant of Afghan refugees. The GoP stopped the recognition of new arrivals in 1999 as *prima facie* refugees. All those Afghans who entered after 1999 in Pakistan were not given refugee status and were considered as illegal immigrants except those with valid visas and passports (Mohmand, *The Status of Afghan Refugees in Pakistan*, 2018). The government in the late 1990s also turned out to be more hesitant to assign refugees land for camps, since the overcrowding of the existing arrangements, as the cleanliness and security situation collapsed because of constrained help. The absence of legal status and resulting protection turned into an issue now due to the increasing number of refugees began leaving camps looking for financial support and education activities. In November 2000, the GoP established a strategy to arrest and expel fresh arrivals and those Afghans who were at that point living in Pakistan while having no official documents. From late 2000 to mid-2001, as indicated by the GoP, it sent back approximately 7633 Afghans, mostly men, and boys, through force.

Pakistan's decision in 2000 to close the frontiers with Afghanistan for fresh arrivals resulted in the disappearance of those who illegally crossed the border without reporting to UNHCR to integrate into mainstream local populace due to fear of detaining and expulsion, increasing invisible urban refugees. Refugees residing outside the camps frequently found that they have to face dwelling in remote territories or ghettos described by feeble and unhygienic living quarters, dangerous conditions, and high occurrence of unlawful social activities along with other issues. Urban Afghan refugees under such conditions confronted an increasingly hostile vibe from local people. The interest of refugees in houses and low wages for work, brought about an increase in leases and decreased monetary opportunities for local people. The expanding antagonistic vibe of local people and harassment of these urban refugees at the hand of local administration ended up in helplessness and risky circumstances. The defencelessness of these refugees was further aggravated by their absence of lawful status and the GoP's official position that these people have no permission to seek employment here, but later on, there was a formal shift in policy in May 2004

when the GoP formally allowed those refugees having registration with UNHCR the privilege to work (Khan F., 2018). Usually, refugees frequently ended up jobs in the most reduced paid occupations in formal and non-formal sectors that were described by harassment and abuse. In various families, all individuals, including youthful children, worked at immaterial wages to press out a living.

The circumstances remained the same even after the U.S.-led bombardment with Pakistan. It was keeping up its closed border strategy despite the fact that a huge number of refugees fled Afghanistan in late 2001. After the Taliban were defeated, the global community at long last began thinking about the feasibility of Afghan refugees' repatriation without precedent for some years. Hence, Pakistan's government consented to the Tripartite Arrangement with UNHCR and the Afghan government, furnishing a chance to refugees to comeback till March 2006 with the help of UNHCR, which was stretched out to December 2006 and after that December 2009 and now it is under consideration before the federal cabinet with the hope that there will be a further extension in this June 2020.

Here want to make it clear that extension is not the solution and the government of Pakistan has to make proper legislation for the durable solution to this problem. For more than four-decade these refugees are here, so we have to find a way-out for their miseries and sort this issue out once for all.

Conclusion

It can be concluded that Pakistan has practically adopted a very liberal approach towards refugees from Afghanistan, which is more in line with the definition of refugees of the 1969 Organization of African Union (OAU) Convention. The government of Pakistan firmly believes that although not a party to any refugee-related international document, and even in the absence of refugee specific national legislation, it has provided adequate protection to the refugees from Afghanistan during their four long decades in Pakistan through generous administrative measures. But only administrative arrangements will not sort out the refugee issue. Proper legislation at the national level for the refugees by considering all the available options is the need of the hour.

Pakistan also needs international community help for the permanent solution of Afghan refugees as it is not in a position to tackle this issue on its own. Therefore, the international community should realize the fact and come forward for the protection of these refugees by helping the GoP in its endures to cater to the needs of the Afghan refugees who are residing here for nearly forty years since the USSR's invasion on its soil.

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