

Pakistan : risques de déportation pour les personnes réfugiées afghanes

Renseignement de l'analyse-pays de l'OSAR

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Ce rapport repose sur des renseignements d'expert-e-s et sur les propres recherches de l'Organisation suisse d'aide aux réfugiés (OSAR). Conformément aux standards COI, l'OSAR fonde ses recherches sur des sources accessibles publiquement. Lorsque les informations obtenues dans le temps imparti sont insuffisantes, elle fait appel à des expert-e-s. L'OSAR documente ses sources de manière transparente et traçable, mais peut toutefois décider de les anonymiser, afin de garantir la protection de ses contacts.

1 Introduction

Les questions suivantes sont tirées d'une demande adressée à l'analyse-pays de l'OSAR :

1. Quelle est la situation actuelle des personnes réfugiées et demandeurs-euses d'asile afghan-e-s au Pakistan ?
2. Quelle est la situation des personnes réfugiées et demandeurs-euses d'asile afghan-e-s arrivé-e-s au Pakistan depuis août 2021 ?
3. Quels sont les risques de refoulement vers l' Afghanistan pour les Afghan-e-s ayant fui le pays pendant ou après la prise de pouvoir par les talibans en août 2021, qui n'ont pas d'autorisation de séjour au Pakistan ou dont le visa est expiré et qui ne parviennent pas à le renouveler ?

L'analyse-pays de l'OSAR observe les développements au Pakistan depuis plusieurs années.¹ Sur la base de ses propres recherches ainsi que de renseignements transmis par des expert-e-s externes, elle apporte les réponses suivantes aux questions ci-dessus.

2 Les Afghan-e-s au Pakistan

Entre 2.8 et 3.1 millions d'Afghan-e-s au Pakistan. Selon le *ministère des Affaires étrangères des Pays-Bas* (MFA), qui se base sur des chiffres de l'Agence des Nations unies pour les réfugiés (HCR) et de l'Organisation mondiale pour les migrations (OIM), au début de l'année 2022, il y avait plus de 1,4 million de personnes réfugiées afghanes enregistrées au Pakistan, ainsi qu'environ 840 000 titulaires de la carte de citoyenneté afghane (ACC) et quelque 500 000 à 600 000 Afghan-e-s non-enregistré-e-s (souvent désigné-e-s comme « sans papiers »). Cela porte le total à plus de 2,84 millions d'Afghan-e-s au Pakistan (MFA, septembre 2022). Pour *The New Humanitarian* (TNH), le Pakistan accueille environ 3,1 millions d'Afghan-e-s déplacé-e-s, dont seul un tiers sont enregistré-e-s auprès du HCR. Les autres sont appelés des « sans papiers », en raison des difficultés à obtenir un statut légal, et sont à risque de déportations (TNH, 10 août 2022).

Entre 250 000 et 300 000 Afghan-e-s ont fui vers le Pakistan depuis l'arrivée au pouvoir des talibans. De nombreux Afghan-e-s qui veulent se rendre dans les pays occidentaux sont bloqué-e-s au Pakistan en raison de retards dans l'obtention de visas pour ces pays. Ils/elles ne peuvent souvent pas payer pour le renouvellement des visas pakistanaï-s. Selon des chiffres des autorités pakistanaises, cités par *Gandhara*, ce sont 250 000 Afghan-e-s qui sont entré-e-s au Pakistan depuis janvier 2021, la majorité étant arrivé-e-s après la prise de pouvoir des talibans et cherchant à se réinstaller dans un autre pays (*Gandhara*, 16 novembre 2022). Selon *Voice of America* (VOA), qui cite également des officiels pakistanais, ce sont 300 000 Afghan-e-s qui sont entré-e-s au Pakistan depuis août 2021. Un tiers environ sont entré-e-s avec un visa valide tandis que les autres sont entré-e-s illégalement (VOA, 3 juin 2022). Selon *Gandhara*, ce sont des dizaines de milliers d'Afghan-e-s qui ont fui vers le Pakistan depuis août 2021. Un nombre important de ces Afghan-e-s sont resté-

¹ www.osar.ch/publications/rapports-sur-les-pays-dorigine

e-s bloqués au Pakistan en raison de problèmes dans l'obtention de visas pour les pays occidentaux. La majorité de ces personnes ont déclaré qu'elles n'avaient pas les moyens de payer les centaines de dollars nécessaires au renouvellement de leur visa pakistanais (*Gandhara*, 16 novembre 2022).

2.1 Statut légal des personnes réfugiées afghanes au Pakistan

Le Pakistan n'est pas signataire de la Convention de Genève sur les réfugiés. Le HCR se charge de déterminer le statut de réfugiés. Comme l'indique le HCR, le Pakistan n'est pas signataire de la Convention de 1951 relative au statut des réfugiés et n'a pas non plus adopté de législation nationale pour la protection des réfugiés. Il n'existe pas non plus de procédure pour déterminer le statut des personnes qui demandent une protection internationale sur le territoire du Pakistan. Ces personnes sont traitées conformément aux dispositions de la loi sur les étrangers de 1946. Selon un accord conclu avec le gouvernement pakistanais en 1993, il revient au HCR de procéder à la détermination du statut de réfugié (UNHCR, pas de date). Le MFA des Pays-Bas confirme que, comme il n'est pas possible de demander l'asile au gouvernement du Pakistan, c'est le HCR qui se charge d'évaluer les cas et d'enregistrer les personnes réfugiées. De manière générale, le Pakistan autorise les demandeurs-euses d'asile et les personnes reconnues comme réfugié-e-s par le HCR de rester dans le pays en attendant une solution durable. Si certain-e-s peuvent travailler et se loger, les règles en la matière sont très floues (MFA, septembre 2022).

2.1.1 Les détenteurs de la carte de preuve d'enregistrement (PoR)

Plus de 1.4 millions de personnes réfugiées afghanes détiennent la PoR. Résidence légale au Pakistan, accès limité aux soins de santé et à l'éducation. Pas d'accès légal au marché du travail. Expiration des PoR en juin 2020, mais sans mesures immédiates. Attente d'une décision officielle du gouvernement. Selon le quotidien pakistanais *The Nation*, les migrants et réfugiés afghans qui sont enregistrés reçoivent depuis 2006 des cartes de preuve d'enregistrement (PoR) qui sont renouvelables et qui confèrent à leurs détenteurs certains droits et à une assistance de l'État. Au nombre de 1,4 millions, les détenteurs et détentrices de la PoR ont un accès aux services de santé égal à celui des ressortissant-e-s pakistanais-e-s. Ils sont également inclus dans les programmes de santé du gouvernement, tels que les campagnes de vaccination, la lutte contre la tuberculose, la prévention et le traitement du VIH. Toutefois, *The Nation* reconnaît que la qualité des soins de santé pour les réfugié-e-s reste préoccupante (*The Nation*, 5 décembre 2022). Selon le MFA des Pays-Bas, la carte de la preuve d'enregistrement (*Proof of Registration Card* - PoR) est délivrée aux réfugié-e-s afghan-e-s qui se sont enregistré-e-s avec le HCR. Cette carte leur permet de résider légalement dans le pays et donc d'être protégés contre le refoulement. Elle donne également à tout titulaire le droit d'accéder aux soins de santé publiques et à l'éducation, même si dans la pratique cet accès est limité en raison de la surcharge du système de santé et d'éducation. Toutefois, elle n'est pas un document de voyage et ne permet pas de franchir une frontière internationale, y compris celle entre le Pakistan et l'Afghanistan. La carte ne donne pas non plus le droit de travailler légalement au Pakistan (MFA, septembre 2022). Selon le *ministère des Affaires étrangères australien* (DFAT), les Afghan-e-s qui se sont adressé-e-s au HCR sont enregistré-e-s comme personnes réfugié-e-s ou demandeurs d'asile et peuvent résider légalement au Pakistan, bien que cela ne soit pas toujours respecté par

les forces de sécurité. Ces réfugié-e-s peuvent en principe avoir accès aux services de santé et d'éducation, louer des biens ou encore enregistrer des naissances, mais cela ne fonctionne généralement que si le HCR intervient (DFAT, 25 janvier 2022). Selon le *Département d'Etat américain* (USDOS), les PoR ont été attribuées à plus des 1,4 millions de réfugié-e-s afghan-e-s arrivé-e-s au Pakistan avant 2007, mais elles ont expiré le 30 juin 2020. Le gouvernement a publié un avis le même mois demandant aux agences et ministères de faire en sorte qu'aucune mesure défavorable ou aucune forme de harcèlement ne soit prise à l'encontre des détenteurs-trices de cette carte, en attendant une décision officielle du cabinet fédéral (USDOS, 12 avril 2022).

Pas d'accès à la carte PoR pour les Afghan-e-s nouvellement arrivé-e-s. Possible d'être inclus lors du prochain exercice d'enregistrement du gouvernement ou de demander le statut de réfugié au HCR. Selon le HCR, les Afghan-e-s nouvellement arrivé-e-s et qui ne sont pas enregistré-e-s, y compris les membres de la famille des titulaires de la carte PoR, ne peuvent pas prétendre à la carte PoR. Ces personnes peuvent toutefois s'adresser à la National Database and Registration Authority (NADRA) lors du prochain exercice d'enregistrement des Afghan-e-s sans papier résidant au Pakistan. Une autre alternative est de s'adresser au HCR pour demander le statut de réfugié. Dans ce cas-là, ces personnes doivent pouvoir établir qu'elles ne peuvent pas retourner en Afghanistan en raison de menaces contre leur vie ou leur liberté (UNHCR, pas de date). Selon le *Center for Strategic and Contemporary Research* (CSCR), un institut de politique publique basé au Pakistan, les Afghan-e-s non-enregistré-e-s peuvent en principe contacter le HCR pour subir un processus de détermination du statut de réfugié et être enregistré comme demandeur-euse d'asile (CSCR, 17 juin 2022).

2.1.2 Les détenteurs de la carte de citoyenneté afghane (ACC)

Carte d'identité qui permettait de résider au Pakistan de manière temporaire (6 mois). Plus de 800 000 Afghan-e-s ont reçu cette carte qui a expiré en juin 2020. Pas d'accès aux soins de santé ou à l'éducation, ni au marché du travail. Selon le DFAT, à la suite d'un programme d'enregistrement des Afghans sans papier en 2017, les autorités pakistanaïses leur ont délivré une nouvelle carte de citoyenneté afghane (*Afghan Citizenship Card - ACC*), qui est un document d'identité temporaire qui offre des avantages beaucoup plus limités que la PoR. Les détenteurs et détentrices de l'ACC peuvent séjourner temporairement et circuler librement au Pakistan. Toutefois, ils ne peuvent pas accéder aux services de santé ou d'éducation, ni travailler légalement. Forcés de travailler dans l'économie informelle, ils sont souvent vulnérables aux abus et à l'exploitation (DFAT, 25 janvier 2022). *The Nation* confirme que c'est depuis 2017 que sont distribués des cartes de citoyen afghan (ACC) et indique que leur nombre serait de 840 000. Les détenteurs et détentrices de cette carte ont également accès au système de santé pakistanais (*The Nation*, 5 décembre 2022). Selon le *Secrétariat d'Etat aux migrations* (SEM), c'est uniquement en 2017 et 2018 que les autorités pakistanaïses ont délivré des ACC (SEM, 30 mars 2022). Pour le *MFA des Pays-Bas*, les Afghans au bénéfice d'une carte ACC étaient ceux qui n'avaient pas été enregistrés comme réfugié-e-s par le HCR, mais qui pour la plupart vivaient au Pakistan depuis un certain temps, parfois plusieurs générations. Cette carte permettait de résider légalement dans le pays, quoique de manière temporaire, et d'accéder aux soins de santé et à l'éducation. Selon le MFA, les cartes ACC ont expiré le 30 juin 2020 et n'ont depuis pas été renouvelées. Fin décembre 2021, il y avait selon l'OIM et le HCR, près de 840 000 détenteurs et détentrices

de cette carte expirée. Selon certains observateurs, cités par le MFA, ces personnes pourraient ne plus être protégées contre la déportation (MFA, septembre 2022). Selon la *Friedrich Ebert Stiftung*, qui se réfère à l'étude Mielke et al, ce sont plus de 800 000 Afghan-e-s non-enregistré-e-s qui ont reçu du gouvernement pakistanais des cartes ACC qui les protègent du refoulement pendant une période de six mois. Pendant cette période, ils pouvaient demander un passeport afghan et éventuellement un visa pour rester au Pakistan. Cependant, le gouvernement afghan a eu du mal à fournir des passeports aux détenteurs des cartes ACC, ce qui a contribué au faible succès du programme ACC (*Friedrich Ebert Stiftung*, décembre 2021). Selon USDOS, ce sont 878 000 Afghan-e-s qui n'ont pas le statut de réfugié, mais qui détiennent l'ACC. Ces cartes ont expiré le 30 juin 2020 et les détenteurs de cette carte, au même titre que ceux qui détiennent la PoR, sont en attente d'une décision officielle du gouvernement (USDOS, 12 avril 2022).

Un objectif de surveillance pour les autorités pakistanaises. Selon la *Friedrich Ebert Stiftung*, l'introduction du système de cartes ACC a également permis au gouvernement d'enregistrer les Afghan-e-s avec l'objectif de mieux les surveiller. La faible protection offerte par ces cartes contre l'expulsion a découragé certain-e-s Afghan-e-s à s'inscrire de peur d'être arrêté-e-s et déporté-e-s. Selon la *Friedrich Ebert Stiftung*, en décembre 2021 un processus était en cours pour offrir de nouvelles cartes d'identité biométriques aux personnes réfugiées afghanes avec comme objectif principal pour le gouvernement pakistanais de renforcer la sécurité et la surveillance de ces personnes au Pakistan (*Friedrich Ebert Stiftung*, décembre 2021).

2.1.3 Les Afghan-e-s non-enregistré-e-s (« sans papiers »)

Entre 400 000 et 1 million d' Afghan-e-s non-enregistré-e-s au Pakistan. Ces personnes n'ont pas le droit à une résidence légale au Pakistan et sont vulnérables aux arrestations et déportations, mais également au harcèlement et à l'extorsion. Selon *The Nation*, il y aurait entre 400 000 et un million d' Afghan-e-s non-enregistré-e-s au Pakistan (*The Nation*, 5 décembre 2022). Pour le DFAT, les Afghan-e-s qui n'ont ni carte ACC ou PoR et qui ne sont pas enregistrés auprès du HCR sont considéré-e-s comme « sans papiers », même si souvent ces personnes possèdent quand même une carte d'identité ou un passeport afghan. Considérés comme étant en infraction avec la loi sur les étrangers de 1946, elles sont à risque d'arrestation et de détention, mais aussi de déportation (DFAT, 25 janvier 2022). Selon le MFA des Pays-Bas, les Afghan-e-s non-enregistré-e-s n'ont aucune protection juridique et peuvent être la cible de discrimination et de harcèlement. Certains seraient, selon le représentant d'une ONG, détenus en prison pendant des mois ou des années (MFA, septembre 2022). Selon le site d'information *Mixed Migration Center*, il existe un groupe important d' Afghan-e-s qui sont en situation irrégulière, ou « sans-papiers », depuis qu'ils ou elles ont dépassé la durée de leur visa. Ne souhaitant pas retourner en Afghanistan, ces personnes se retrouvent sans droit légal de résidence (*Mixed Migration Center*, 25 mai 2022). D'après l'EUAA, qui cite l'étude de Mielke et al, un représentant de l'ONG pakistanaise Human Rights Alliance (HRA) interrogé dans l'étude aurait affirmé que les Afghan-e-s non-enregistré-e-s pouvaient souvent passer des mois et des années en prison (EUAA, 19 mai 2022). Selon l'EUAA, les Afghan-e-s qui n'ont pas de documents délivrés par le gouvernement pakistanais ou le HCR sont considéré-e-s comme étant en infraction avec la loi sur les étrangers de 1946 et sont susceptibles d'être arrêté-e-s, détenu-e-s et expulsé-e-s (EUAA, 19 mai 2022).

2.2 Conditions d'entrée plus restrictives et renforcement des frontières depuis août 2021

Renforcement des frontières et durcissement des conditions d'entrée pour les Afghan-e-s. Pas de politique claire pour le traitement des nouveaux arrivants. Harcèlement et tentatives d'extorsion des Afghan-e-s par les garde-frontières. Selon le *Mixed Migration Center*, en réponse au large afflux de personnes d'Afghanistan fuyant la prise de pouvoir des talibans, les autorités pakistanaises ont renforcé les contrôles frontaliers et augmenté les déportations. Elles ont également annoncé qu'une barrière entre l'Afghanistan et la Pakistan était complétée à 94 pour cent (*Mixed Migration Center*, 25 mai 2022). *Foreign Policy* (FP) confirme que les autorités pakistanaises ont pris des mesures à l'encontre des nouveaux arrivants, notamment un renforcement des restrictions frontalières et la déportation de certaines personnes qui sont entrées sans visa (FP, 22 novembre 2021). Selon le CSCR, malgré des mesures prises par les autorités pour décourager l'arrivée des Afghan-e-s, notamment des déportations d' Afghan-e-s non-enregistré-e-s, l'afflux d' Afghan-e-s au Pakistan s'est poursuivi. Pour de nombreux Afghan-e-s, le Pakistan est une voie d'accès pour ceux qui cherchent à rejoindre l'Europe (CSCR, 17 juin 2022). Selon l'*Agence de l'Union européenne pour l'asile* (EUAA), la prise de pouvoir des talibans en août 2021 a provoqué un nouvel afflux de personnes réfugiées afghanes au Pakistan, et remis la question sensible des réfugiés afghans sur le devant de la scène. Les autorités sont ainsi devenues plus vigilantes. Le gouvernement a tardé à formuler une politique claire pour le traitement des nouveaux arrivants. Selon la Commission des droits de l'homme du Pakistan, citée par l'EUAA, cela a suscité des inquiétudes parmi les gardes-frontières et la police. Des rapports font état d'extorsions, de refus d'entrée et de violences de la part des autorités pakistanaises. Le passage à la frontière est devenu plus difficile, notamment en raison des efforts du gouvernement pour sceller la frontière et l'introduction d'exigences plus élevées en matière de visa pour la (ré)entrée (EUAA, 19 mai 2022). Selon La *Commission des droits de l'homme du Pakistan*, de nombreux Afghan-e-s qui tentaient de fuir l'Afghanistan pour trouver refuge au Pakistan ont signalé avoir été harcelé-e-s par des gardes frontaliers qui leur ont extorqué de l'argent ou leur ont refusé l'entrée (*Commission des droits de l'homme du Pakistan*, 29 avril 2022). *Landinfo* indique selon la loi pakistanaise sur les étrangers, les Afghan-e-s qui souhaitent entrer au Pakistan doivent être muni-e-s de documents de voyages valables et d'un visa (*Landinfo*, 1^{er} novembre 2022).

Conditions d'entrée incohérentes au Pakistan exacerbées par la difficulté pour les Afghan-e-s de se procurer des passeports. Mise en place de visas de transit temporaires pour les personnes réfugiées afghanes. Pour TNH, depuis l'arrivée au pouvoir des talibans, les conditions d'entrée au Pakistan sont incohérentes. Se référant à un rapport de l'EUAA, TNH indique que certain-e-s Afghan-e-s sont tenu-e-s de présenter un passeport et un visa valable pour entrer au Pakistan, alors que d'autres peuvent entrer sur simple présentation d'une carte d'identité nationale. Beaucoup n'arrivent pas à obtenir de passeports afghans en raison d'une demande trop forte que les bureaux des passeports, également en manque de personnel, n'arrivent pas à gérer. Citant des informations collectées par Samuel Hall, un groupe de réflexion indépendant, TNH indique que de nombreux Afghan-e-s choisissent de vendre leurs biens et leurs avoirs pour se procurer des documents de voyage sur le marché noir, pour environ 9 000 dollars. Une autre solution est de payer des passeurs pour entrer au Pakistan, mais pour cela il faut encore échapper aux forces de sécurité pakistanaises et des groupes paramilitaires qui surveillent la frontière (TNH, 10 août 2022). Selon

Foreign Policy (FP), depuis août 2021, les autorités pakistanaises ont délivré des visas de transit à court terme à certaines personnes réfugiées afghanes (FP, 22 novembre 2021). Selon le CSCR, depuis la prise de pouvoir des talibans, en août 2021, et l'arrivée massive d'Afghan-e-s au Pakistan, les autorités ont cessé de distribuer des visas de réfugiés, mais les ont remplacés par des visas de transit temporaires (CSCR, 17 juin 2022). Le site d'information *Pajhwok Afghan News* confirme qu'en juin 2022 le premier ministre pakistanais a autorisé une nouvelle politique de visa de transit pour les Afghan-e-s qui souhaitent se rendre à l'étranger via la Pakistan. Dans la cadre de cette nouvelle politique, ces personnes peuvent obtenir dans les 24 heures qui suivent leur arrivée, un visa de transit valable 30 jours. Ces visas peuvent être demandés par les pays qui autorisent l'immigration des citoyens afghans (*Pajhwok Afghan News*, 12 juin 2022).

Possible pour les Afghan-e-s non-enregistré-e-s d'obtenir un visa de transit pour quitter le Pakistan à l'aide des ambassades de pays tiers. Selon *CBC News*, du juin à août 2022, une directive du gouvernement pakistanais a permis au cas par cas à des Afghan-e-s sans documents de voyage valides de quitter le pays pour se rendre dans des pays-tiers. Citant l'*Immigration, Réfugiés et Citoyenneté Canada* (IRCC), le ministère canadien responsable des programmes et des services d'immigration, d'établissement, de réinstallation et de citoyenneté, *CBC News* rapporte qu'environ 18 vols charter transportant des Afghan-e-s ont pu quitter le Pakistan pour rejoindre le Canada entre janvier et novembre 2022 (*CBC News*, 13 novembre 2022). Dans un rapport publié en septembre 2022, l'OSAR rapportait que les pays qui ont accordé l'entrée aux citoyens afghans peuvent demander des visas de transit aux autorités pakistanaises. En ce qui concerne les citoyens afghans qui ont une autorisation de séjour en Suisse, mais qui ne possèdent pas de statut de séjour légal au Pakistan, l'OSAR indiquait qu'en septembre 2022, il était toujours possible d'obtenir un visa de transit avec l'aide de l'ambassade suisse (OSAR, 27 septembre 2022).

3 Traitement des demandeurs d'asile et personnes réfugiées afghanes par les autorités

3.1 Des réfugié-e-s afghan-e-s exposé-e-s au harcèlement et à la violence

Harcèlement, extorsion et violences à l'encontre des réfugiés afghans au Pakistan. Reconnaissance limitée des carte PoR et ACC par les policiers. Selon l'EUAA, en 2021, diverses sources ont indiqué que le harcèlement des personnes réfugiées afghanes par la police était un problème. Se référant à une étude de Mielke et al., datée d'août 2021, l'EUAA relève que ce harcèlement est omniprésent et consiste en actes d'extorsion, de corruption et de violence. Les personnes réfugiées afghanes font parfois l'objet de fouilles inopinées de leur domicile et de leur entreprise et de violences verbales. Seul-e-s les Afghan-e-s enregistré-e-s peuvent bénéficier d'une assistance. Celles qui sont victimes de tentatives d'extorsion et qui veulent ou ne peuvent pas payer s'adressent alors parfois aux ONG pour une assistance juridique. L'étude de Mielke et al., montre également que la police ne reconnaît pas toujours la validité des carte PoR ou ACC. Les personnes réfugiées afghanes n'ont parfois d'autre choix que de verser de l'argent (entre 200 et 6 000 roupies pakistanaises, ou entre

0,8 et 25 francs suisses²) aux policiers pour ne pas avoir d'ennuis aux postes de contrôle. Le montant demandé pour libérer une personne de prison peut atteindre 20 000 roupies, ou environ 82 francs suisses (EUAA, 19 mai 2022).

Montée du sentiment anti-réfugiés au sein de la population pakistanaise depuis la prise de pouvoir des talibans. Selon le MFA des Pays-Bas, depuis la prise de pouvoir des talibans, qui a coïncidé avec une montée du sentiment anti-réfugiés au Pakistan, certaines provinces du pays ont interdit l'accueil des Afghan-e-s (MFA, septembre 2022). Selon l'EUAA, qui se base sur des informations d'un journaliste pakistanais, depuis l'arrivée au pouvoir des talibans, la population pakistanaise considère d'une certaine manière que la guerre est terminée et que les personnes réfugiées afghanes pourraient rentrer. Il existe également une concurrence entre la population et les personnes réfugiées afghanes pour l'accès au travail et aux ressources (EUAA, 19 mai 2022).

3.2 Arrestations et déportations de personnes réfugiées et de demandeurs d'asile afghans

Les étrangers en situation irrégulière, y compris les Afghan-e-s non-enregistré-e-s et les personnes dont les visas ont expiré, sont menacés de trois ans de prison s'ils ne paient pas le renouvellement de leur visa avant le 31 décembre 2022. Selon *Gandhara*, les autorités pakistanaises ont averti les étrangers qui ne renouvellent pas leurs visas avant le 31 décembre 2022 qu'ils pourraient être expulsés ou emprisonnés pendant une période de trois ans (*Gandhara*, 16 novembre 2022). *CBC News* confirme cet ultimatum des autorités pakistanaises et indique que depuis le début du mois d'octobre 2022, ce message est relayé via une vidéo produite par le ministère pakistanais de l'Intérieur et diffusée sur les canaux de médias sociaux du gouvernement et à la télévision. *CBC News* souligne également que la procédure de renouvellement d'un visa coûte des centaines de dollars et désavantage ainsi spécialement les Afghan-e-s pauvres qui ont fui leur pays. Selon *Voice of America* (VOA), jusqu'au 31 décembre 2022, les autorités n'engageront pas de poursuites contre les étrangers ayant dépassé la durée de validité de leur visa d'un an au maximum (VOA, 3 novembre 2022). Selon le courriel envoyé à l'OSAR en octobre 2022 par une personne de contact spécialiste de l'Afghanistan, il est possible qu'après le 31 décembre 2022, le gouvernement pakistanais décide de prolonger cette amnistie pour une année, car des dizaines de milliers d'Afghan-e-s attendent l'autorisation de quitter le Pakistan pour se rendre à l'étranger et leurs visas pakistanais ont expiré.

Vague d'arrestations d'Afghan-e-s en situation irrégulière depuis août 2021. Selon le site d'information *Arab News Pakistan*, en novembre 2022 la police de Karachi a arrêté 41 Afghan-e-s pour résidence illégale. La police a précisé que la répression contre les ressortissants étrangers en situation irrégulière allait se poursuivre dans les semaines à venir. Cette source rappelle qu'en 2021, la police avait arrêté et expulsé un nombre important de ressortissants afghans qui étaient venus chercher refuge au Pakistan après la prise de pouvoir des talibans (*Arab News Pakistan*, 10 novembre 2022). D'après le site d'information *Ary News*, la police de Karachi vérifiait le statut des ressortissants afghans et leur casier judiciaire au

² Selon le taux de change du 5 décembre 2022

moyen de données biométriques. La police de la province de Sindh, dont la capitale est Karachi, a indiqué avoir arrêté 122 Afghan-e-s en situation irrégulière, dont 20 enfants et 14 femmes, qui tentaient d'entrer dans la province par le Baloutchistan. Ces personnes ont été remises au gouvernement du Baloutchistan pour être déportées vers l'Afghanistan (*Ary News*, 14 novembre 2022). Selon la *Commission des droits de l'homme du Pakistan*, au moins 194 Afghan-e-s ont été arrêté-e-s à Peshawar au mois d'août 2021, accusé-e-s d'émeutes et de destruction de biens publics. Selon la Commission, la plupart des Afghan-e-s qui ont fui leur pays depuis août 2021 se sont installé-e-s à Quetta ou à Karachi. En septembre 2021, le gouvernement du Baloutchistan a déporté 200 Afghan-e-s qui étaient entré-e-s illégalement dans le pays. D'autres ont toutefois eu l'autorisation de rester dans cette province (*Commission des droits de l'homme du Pakistan*, 29 avril 2022). Selon l'ancien président afghan Hamid Karzai, cité par l'agence de presse *Khaama*, les autorités pakistanaises ont emprisonné plus de 1 000 Afghan-e-s dans la seule province du Sindh (*Agence de presse Khaama*, 8 novembre 2022). Selon le site d'information *Salam Watandar*, le gouvernement pakistanais ne s'est pas exprimé sur les raisons de l'arrestation de plus de 1 100 Afghan-e-s au mois de novembre 2022. L'ancien président Hamid Karzai a exprimé son inquiétude à la suite de ces arrestations massives. Selon un journaliste afghan qui réside au Pakistan, cité par *Salam Watander*, la situation des Afghane-s au Pakistan est alarmante, notamment en raison de problèmes économiques et de logements. Les Afghan-e-s qui sont arrivé-e-s légalement ont vu leur visas expirés et non renouvelés et se retrouvent à risque d'être déporté-e-s (*Salam Watander*, 9 novembre 2022). -

Augmentation massive du nombre d'Afghan-e-s déporté-e-s en 2022. Au moins 46 000 Afghan-e-s déporté-e-s entre janvier et juillet 2022. Selon le *Conseil norvégien pour les réfugiés* (NRC), il y a eu un nombre important d'Afghan-e-s qui ont été déporté-e-s depuis le Pakistan pendant l'année 2022 (NRC, 10 août 2022). Selon TNH, qui se base sur des chiffres du Bureau des Nations unies pour la coordination des affaires humanitaires (OCHA), entre janvier et juillet 2022, les autorités pakistanaises ont déporté 46 300 Afghan-e-s, soit 40 000 de plus qu'au cours de la même période en 2021 (TNH, 10 août 2022). D'après *Gandhara*, qui cite des chiffres de l'OIM, ce sont 65 000 personnes réfugiées afghanes qui sont retournées en Afghanistan depuis le début de l'année 2022. Cette source ne précise pas si ces retours étaient spontanés ou forcés (*Gandhara*, 16 novembre 2022). Selon le HCR, entre septembre et novembre 2021, les autorités pakistanaises ont déporté 1 800 Afghan-e-s, essentiellement des personnes non enregistrées (UNHCR, 31 mars 2022). Selon *Amnesty International* (A), ce sont au moins 2 400 Afghan-e-s qui ont été déporté-e-s par les autorités pakistanaises entre août 2021 et mars 2022. Celles-ci ont justifié les renvois en indiquant que « Le Pakistan n'est pas en mesure d'accepter davantage de réfugiés » (AI, 29 mars 2022). Selon l'OIM, qui surveille les mouvements entre l'Afghanistan et le Pakistan, entre fin janvier 2022 et le 15 novembre 2022, ce sont plus de 1 000 Afghan-e-s qui ont été déporté-e-s par les autorités pakistanaises et renvoyé-e-s vers l'Afghanistan (IOM, 18 février 2022-15 novembre 2022). Selon le *MFA des Pays-Bas*, bien que le Pakistan n'ait pas signé la Convention de 1951 relative au statut des réfugiés, il a généralement respecté le principe du non-refoulement. Toutefois, depuis septembre 2021, certaines personnes réfugiées afghanes enregistrées auraient été déportées. Citant des médias, le MFA indique également que des centaines d'Afghan-e-s non-enregistré-e-s auraient été déporté-e-s vers l'Afghanistan en automne 2021. Ces retours se sont déroulés depuis Quetta, Karachi et Lasbel et les Afghan-e-s ont surtout été déporté-e-s par les postes frontières de Torkham, Chaman et Badini (MFA, septembre 2022). Selon l'*agence de presse Khaama*, qui cite des informations de la télévision

nationale afghane, le 29 novembre 2022, 32 Afghan-e-s non-enregistré-e-s, qui étaient emprisonné-e-s au Pakistan, ont été libéré-e-s pour ensuite être déporté-e-s vers l'Afghanistan. Ces déportations avaient été précédées par celles d'un autre groupe de 35 Afghan-e-s (*Agence de presse Khaama*, 29 novembre 2022).

Coopération entre les autorités pakistanaises et les talibans pour identifier des membres de l'ancien gouvernement et des forces de sécurité et les expulser vers l'Afghanistan. Le quotidien suisse la *Tribune de Genève* (TdG) rapporte le témoignage d'un journaliste afghan qui a fui son pays en août 2021 pour se réfugier au Pakistan et s'est retrouvé avec d'autres Afghans, notamment des soldats et des policiers du régime déchu. Il raconte qu'un jour, les policiers pakistanais ont fait une descente dans l'immeuble à Quetta où se trouvaient les Afghans, les ont arrêtés et livrés aux talibans. Cette source cite également un ancien procureur de l'armée afghane qui, avec d'autres Afghans, a également été arrêté par des policiers pakistanais. Ils ont subi des mauvais traitements pendant cinq jours dans le but d'identifier parmi eux des fonctionnaires de l'ancien gouvernement. Selon la TdG, l'expulsion vers l'Afghanistan d'anciens fonctionnaires et soldats du gouvernement déchu illustre l'étroite collaboration entre le Pakistan et les talibans (TdG, 22 février 2022). Selon le SEM, dans le passé, les Etats-Unis ont laissé entendre qu'il existait une coopération entre les services de renseignements militaire pakistanais et les talibans, ainsi qu'avec le réseau Haqqani. Le SEM indiquait en mars 2022 ne pas être en mesure de déterminer s'il existe depuis la prise de pouvoir des talibans en août 2021 une collaboration systématique entre ces derniers et les autorités de sécurité pakistanaise (SEM, 30 mars 2022).

4 Sources :

AI, 29 mars 2022 :

« *Nach der Eroberung der afghanischen Hauptstadt Kabul durch die Taliban im August 2021 flohen Tausende Afghan_innen nach Pakistan. **Zwar erteilten die pakistanischen Behörden einige Visa, die eine legale Einreise ermöglichten, doch wurden Medienberichten zufolge mehr als 2.400 Menschen rechtswidrig nach Afghanistan abgeschoben.** Zur Begründung erklärten die Behörden, die bestehenden Flüchtlingslager hätten keine Kapazitäten für weitere Menschen. Pakistans Nationaler Sicherheitsberater erklärte auf einer Pressekonferenz, das Land sei "nicht in der Lage, noch mehr Flüchtlinge aufzunehmen".* » Source: Amnesty International (AI), Pakistan, 29 mars 2022: www.amnesty.de/informieren/amnesty-report/pakistan-2021.

Arab News Pakistan, 10 novembre 2022 :

« ***Police in Pakistan's southern port city of Karachi booked 41 Afghan nationals for illegally residing in the city, saying the crackdown against such foreign nationals would also continue in the coming weeks.***

Pakistan experienced the first influx of Afghan nationals over four decades ago when the Soviet army invaded Afghanistan in 1979. According to the United Nations High Commissioner for

Refugees (UNHCR), 1.4 million Afghans still live in 54 camps across Pakistan despite a voluntary repatriation program.

Afghan refugee settlements are also located on the outskirts of large urban centers. According to the record maintained by the government, 65,000 Afghan nationals are registered as refugees in Karachi, though officials believe the number of unregistered Afghans may run into tens of thousands.

Last year in September, police arrested and deported a large number of Afghan nationals who entered the country after the fall of Kabul as the US-led forces were departing from Afghanistan.

“The number of arrested Afghan nationals has reached 41, with 15 more arrests in our ongoing combing operation against illegal immigrants,” deputy superintendent police Sohail Faiz said.

Speaking to Arab News earlier in the day, he confirmed the arrest of 26 Afghans, saying they were rounded up “in an operation launched last night, which also continued in the morning, since they were illegally residing in the city.”

Faiz said the operation was conducted after the law enforcement agency got information about the presence of illegal immigrants in large numbers.

“The operation will continue, though action against illegal immigrants is a routine task carried out by the police in Sohrab Goth,” Faiz added while mentioning the area where Afghan refugees and other illegal immigrants mostly reside.

Pakistani social media users recently called for sending Afghan nationals back to their country after a fight broke out between cricket fans belonging to the two countries following a crucial T20 match between them in the United Arab Emirates. [...] » Source: Arab News Pakistan, Police arrest 41 Afghan nationals illegally residing in Pakistan’s largest city, 10 novembre 2022: www.arabnews.pk/node/2161446/pakistan.

Ary News, 14 novembre 2022 :

« According to details, the Manghopir police conducted raids to round up Afghan nations illegally residing in Karachi.

In a statement, the police said they were checking the criminal record of illegal Afghan nations through biometrics. Meanwhile, cases have been registered against the arrested suspects under Foreign Act.

Earlier on November 11, Sindh Rangers and police in their joint action rounded up 122 illegal immigrants, who were attempting to enter Sindh from Balochistan. [...]

According to Sindh Rangers spokesperson, the personnel of the paramilitary forces and police searched the passenger bus in a routine practice wherein they encountered the

122 suspects who, Rangers and police claimed, were Afghan citizens having illegally penetrated into Pakistan.

The arrested included 89 men, 20 children and 14 women, the Rangers spokesperson said. During the biometric verification, their Pakistani identity could not be proven, after which they were handed over to Balochistan government for deportation to Afghanistan ». Source : Ary News, Police Arrests 34 Illegal Afghan Nationals in Karachi, 14 novembre 2022 : <https://arynews.tv/police-arrest-34-illegal-afghan-nationals-in-karachi/>

CBC News, 13 novembre 2022 :

« Afghan refugee applicants and an aid group trying to bring them to Canada are warning the federal government about a new deadline looming in Pakistan for undocumented migrants.

Pakistan is threatening to throw people in jail for up to three years if they do not renew their visas by the end of 2022. The process costs applicants hundreds of dollars each — putting families that escaped Afghanistan and the Taliban with little or no money at a serious disadvantage.

A video ad produced by Pakistan's Ministry of the Interior has been streaming on government social media channels and on television since the start of October. It warns that "overstaying foreigners may be sentenced for up to three years of imprisonment" after December 31.

"The messaging by the Pakistani government that those Afghans that are in Pakistan illegally will be deported and potentially arrested is very troubling," said Brian Macdonald, executive director for Aman Lara, a non-profit organization of Canadian veterans and interpreters who have been working for more than a year to bring Afghan refugees to Canada.

While the only foreign countries named in the ad are India and Somalia, it's running in three different languages: Urdu (Pakistan's national language) and Dari and Pashto, frequently spoken by Afghans.

"They are targeting us directly," said Mohammad Younas Nasimi, an Afghan refugee applicant. He's living in a hotel room in Islamabad with his wife and six children while he waits to see if he qualifies for a Special Immigration Measures program run by Immigration, Refugees and Citizenship Canada (IRCC).

The program is meant to help accelerate immigration for former military interpreters and other former employees of the Canadian government and armed forces, along with their families.

As a contract labourer, Nasimi helped Canadian troops in Afghanistan detect bombs and landmines laid by the Taliban.

Nasimi said he has been waiting for a reply from IRCC for a year.

He said he fears his family's status in Pakistan is becoming more precarious. A few weeks after he first saw the ad playing on television, he said, his two-year-old son was beaten up in their hotel.

"I still didn't find out who the guy was [that did this to him]," Nasimi said, adding his son suffered head injuries.

"His nose was very damaged and he was bleeding."

He said he sent the Canadian High Commission in Pakistan a note but all he got was a reply stating his immigration file was still being processed.

Pakistan says Afghans with valid papers will be 'facilitated'

In a media statement, Pakistan's High Commission in Canada said it remains committed "to facilitating travelling from Pakistan of all those Afghans whose cases are identified by the sponsoring countries/governments through their Missions in Pakistan."

It also said the video ad applies to all overstaying foreigners, not just Afghans.

"[Afghans] having valid travel documents as well as visas/documents for onward travel from Pakistan have been and will be facilitated by the Government of Pakistan," said the statement.

CBC News has spoken to one refugee applicant whose paperless status has placed him in the crosshairs of police.

CBC News has agreed not to identify him because of the dangers he faces in Islamabad and those he would face after being deported to Afghanistan. He said he has been waiting for eleven months to find out if he qualifies to move to Canada.

He said his father worked as a carpenter with the Canadian Armed Forces and he was a volunteer with Aman Lara before he fled Afghanistan in 2021 following its fall to the Taliban.

He, his parents and nine siblings were only able to afford visa fees once after they moved to Islamabad from Afghanistan, he said. His family members have been waiting since to find out if they also qualify for Canada's immigration program.

In mid-October, they received a letter from their guest house urging them to renew their visas. "Dear guest we are facing problem from Pakistan law enforcement agencies," said the note, signed by a general manager for Capetown Guest House.

The Canadian High Commission and the United Nations' International Organization for Migration have since helped him and his family move to another guest house. The family is still waiting for their immigration paperwork to be cleared by the Canadian government.

*'Constructive dialogue' with Pakistan continues, Ottawa says
Immigration, Refugees and Citizenship Canada and Global Affairs Canada said in media statements that they continue to have strong relationships with the Pakistani government.*

The IRCC said it has an "active and constructive dialogue" with Islamabad on "issues related to safe passage for vulnerable Afghans."

It side-stepped a question about concerns related to the video ad but said "each country maintains the authority to set its own entry and exit requirements."

Global Affairs said it appreciates "Pakistan's efforts in supporting Canada's Afghan resettlement program."

Roughly 18 charter flights carrying Afghans from Pakistan have come to Canada since January 2022, according to IRCC.

Citing security concerns, however, neither department would say how many Afghans are still waiting in Pakistan for permission to come to Canada.

Aman Lara said it is in touch with about 400 Afghans in the same situation.

According to a directive from Pakistan's government, from June to August this year it granted safe passage to Afghans who did not have valid travel documentation "through land air routes ... on a case by case basis, in coordination with the recipient third countries."

Aman Lara said it hopes authorities in Islamabad return to that policy.

"We encourage the government of Pakistan to reopen that window," said Macdonald.

But according to one Canadian government official with knowledge of the situation, Pakistan has told Canada and other countries with immigration measures for Afghans — such as the United Kingdom, the United States and Germany — that it cannot maintain loose borders forever for the sake of their immigration programs.

The source spoke to CBC News on the condition they not be named, as they were not authorized to comment publicly.

The source also said that, more than a year after the Taliban takeover, Islamabad no longer looks at the Afghan refugee situation as an emergency.

The source said Pakistan does periodic social media campaigns about border rules. » Source: CBC News, Pakistan warns paperless migrants about jail time, alarming Afghans waiting to come to Canada, 13 novembre 2022: www.cbc.ca/news/politics/afghan-migrant-refugee-canada-pakistan-1.6645091.

CSCR, 17 juin 2022 :

« Pakistan has long been hosting one of the largest numbers of Afghan refugees in the world. However, following the Taliban's arrival in Kabul, Islamabad has refrained from granting refugee visas to the newest influx of refugees from Afghanistan and has been handing out temporary transit visas. The stance is reflective of Pakistan's national security concerns and economic limitations. The country has been repatriating Afghans after the

unfortunate APS attack and cracking down on undocumented Afghan nationals. Nevertheless, the stream of Afghans has not stopped, and Islamabad continues to be a conduit for Afghans seeking asylum in developed countries. Notwithstanding the recently completed verification drive for Afghan refugees, undocumented Afghans continue to be a matter of concern for Pakistan.

Though the Pak-Afghan border is largely fenced and guarded by security forces, Afghans manage to get into Pakistan regardless of the possibility of being sent back. Soon after the Taliban takeover, those who arrived via the official border crossings mostly claimed they were visiting for a private event or on “family business”. Through Torkham, Afghans having their official passports and visas are allowed entrance, while medical patients and children under eight years can enter without documents. Via the Chaman border, Afghan Tazkira (Afghan national ID document) holders from Kandahar are also allowed to enter. As for exit, Pakistan allowed stranded Tazkira holders to leave for Afghanistan by the last working day of April.[...]

Undocumented Afghans refer to those Afghans who do not possess a PoR card, an ACC, or a Pakistani visa. Undocumented Afghans may have other papers, including an Afghan passport or Tazkira. According to the Transnational Figurations of Displacement, undocumented Afghans can contact the UNHCR to undergo a Refugee Status Determination (RSD) process for getting registered as asylum-seekers. They may attain their asylum-seeker certificate, temporarily protecting them from refoulement. The security forces, however, may not always understand or respect their status. [...]

Given the deportations of undocumented refugees, there have been recurrent instances of refugees protesting for “better treatment and protection”. A recent example is the deportation of Afghan musicians living illegally in the Khyber Pakhtoonkhwa. Following their return, protests broke out this month in favour of the undocumented Afghan musicians as their safety is doubtful in an increasingly conservative Afghanistan ». Source : Center for Strategic and Contemporary Research (CSCR), Status of Afghan Refugees and Asylum-Seekers in Pakistan, 17 juin 2022 : <https://cscr.pk/explore/themes/social-issues/status-of-afghan-refugees-and-asylum-seekers-in-pakistan/>

DFAT, 25 January 2022 :

*« In 2017, the government launched a further, six-month program to register undocumented Afghans by issuing them with a new Afghan Citizenship Card (ACC). **The ACC is a temporary identity document for Afghans without other forms of identification and offers far more limited benefits than the PoR. ACC holders are entitled to stay temporarily in Pakistan and have freedom of movement but cannot access public health services or public education. Like PoR holders, they cannot legally work and, while many do work in the informal economy, they are vulnerable to abuse and exploitation.** During the registration period any self-declared Afghan could apply for an ACC, but PoR card holders and single males under 18 were excluded.*

3.23 Many Afghan refugees in Pakistan hold neither an ACC nor PoR. Some are registered as refugees or asylum seekers with the UNHCR and can legally stay temporarily in Pakistan, although this is not always understood or respected by security forces. Afghans registered with the UNHCR can theoretically rent property, register births and access health

services and education, but this usually requires intervention by the UNHCR and is unattainable for many. Others have no Pakistani or UNHCR documents, although they may hold a *tazkira* (Afghan national identity document) or Afghan passport. **These undocumented Afghans are in breach of the Foreigners Act, 1946 and are liable to arrest, detention and deportation.**

» Source: Australia, DFAT, DFAT Country Information Report Pakistan, 25 January 2022: www.dfat.gov.au/sites/default/files/country-information-report-pakistan.pdf.

EUAA, 19 mai 2022 :

« In 2021, sources indicated that police harassment of Afghan refugees remained an issue. An August 2021 study by Mielke and her co-authors, based on 62 semi-structured qualitative interviews and quantitative data from 299 surveyed participants obtained between December 2019 and March 2021, stated that police harassment of Afghans in Pakistan appeared to be pervasive and included extortion, corruption, and violence. In addition, study participants reported experiencing unannounced home and business searches, verbal abuse, and the prevalent notion that ‘the police or security authorities can penetrate your space anytime’ [...]

Organisations provide assistance exclusively to registered Afghans. The study’s findings indicate that the main strategy of Afghans who are facing problems with the police and are unwilling or unable to bribe their way out of the situation is to seek legal assistance from NGOs - ‘provided that the person is aware of it and knows, for example, the help line number’. [...]

The study co-authored by Mielke also mentioned the issue of police confusion about Afghan refugees’ documents and their validity, stating that ‘police would usually request proof of Afghans’ legal status and, in many cases, do not know or deny the fact that the PoR cards or ACC are valid with an updated notification’. [...]

Meanwhile, the aforementioned August 2021 study co-authored by Mielke et al referred to ‘many respondents’ who reported having paid money to police officers to get out of police encounters. Such payments at checkpoints reportedly ranged from 200 to 6 000 Pakistan rupees (approx. EUR 1 to EUR 30). Payments for the release of individuals arrested for allegedly having expired documents reportedly reached up to 20 000 Pakistan rupees (approx. EUR 100).

In the case of conflict, Afghans reportedly seek to resolve these among themselves whenever possible, out of fear of Pakistani security and law enforcement agencies, especially the police. Based on a long tradition of community conflict resolution in Afghan as well as Pakistani areas, this is also the case when members of the host community are involved. Thus, Afghans rely on their own conflict resolution structures and attribute significant authority to ‘communal leadership and traditional authority structures (elders)’ in conflict resolution. In addition, Mielke et al reported that female residents of the peri-urban Pul Saggian site (Lahore) felt unsafe and powerless following child kidnappings and a murder that police had failed to properly investigate.

Following the government change in Kabul in August 2021, many Afghans have entered Pakistan, leading to a renewed escalation of the refugee issue. Although police harassment has decreased slightly in recent years, authorities are now more vigilant again due to the influx of new arrivals. [...]

According to Javed, **the Pakistani government has not taken any strict measures or shown harsh treatment toward newly arrived Afghans, however the government has not yet announced a clear policy regarding newly arriving Afghans.** According to an open letter by the Human Rights Commission of Pakistan (HRCP) dated November 2021, the lack of clarity on how to respond to the influx is causing concerns, particularly among border guards and police. **Reports indicate that refugees are being extorted, denied entry, and even subjected to violence by the Pakistani authorities.** [...]

In its 2018 report, the DRC noted the following concerning the freedom of movement of Afghans on Pakistan:

'However, the gradual tightening up of registration processes, accelerated repatriation, and increasing harassment, imprisonment, and threats of deportation have undermined their freedom of movement, in practice creating, as in Iran, an informal coercive environment especially for the undocumented: Afghans have restricted movements outside the refugee villages or their homes, thereby also limiting access to better-paying economic opportunities.'

Similarly, a February 2022 practice note based on the aforementioned study co-authored by Mielke indicated that **'the fear of abuse and detention keeps Afghans immobilised in their place of residence in Pakistan'**. Furthermore, the GoP's efforts to seal the Afghan-Pakistani border alongside the introduction of rigorous visa requirements for (re)entry increasingly hamper their cross-border mobility. [...]

A study by Mielke et al published in August 2021 found that 'the overall strong social cohesion that had existed between Afghans and Pakistani hosts' was decreasing'. The Pakistani government preceding the recent government of Imran Khan had contributed to this development by supporting a discourse that associated Afghan refugees with terrorism and security issues in Pakistan. As Afghans were wrongly blamed for the attack on the Peshawar Public Army School in December 2014, hostility increased. According to Mielke, from 2015 onwards, on one hand, the Pakistani population 'has developed a hostile attitude towards Afghans' presence', which was reflected in expert interviews conducted for the study. [...]

The authors interpreted these results as 'an indicator of a relatively high social cohesion among residents of Afghani and Pakistani origin'. The researchers therefore found that while '[s]ocial cohesion between Afghans and the host society has traditionally been high', '[r]elations have moved from support to "coexistence in tension" with risks of violent escalation'.

The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) reported in a Humanitarian Bulletin covering September 2016 that 'many returnees cited increased pressures by authorities and host communities.' In February 2017, Human Rights Watch (HRW) reported about the hostility of the Pakistani community towards Afghan refugees.

Human Rights Watch noted from interviews with Afghan refugees and undocumented Afghans in Pakistan and returnees in Afghanistan that after the death of an official of the Pakistani army near the Afghan border in June 2016 there was a shift in the attitude of the local population. **According to Human Rights Watch, local communities told the Afghan refugees 'to go home' and they referred to the Afghan refugees as 'sons of Hindus', referring to the improved ties of India with Afghanistan.** [...]

Khalid Khan Khashgi, senior staff reporter with The News International and a senior correspondent with Mashaal Radio/Radio Free Europe in Peshawar stated in March 2022 that the attitude of the population in Pakistan towards Afghans has slightly changed after the Taliban's takeover of power in Afghanistan in August 2021. In the public's perception the takeover implies that the war is over in Afghanistan and the Afghans therefore 'now should go back to their home country.' In the cities sometimes Pakistani traders and businessmen have problems with the Afghan refugees because they have the same interests as the Afghan refugees in setting up small business, restaurants or doing trade. According to Khashgi, among those people there is a 'sense of jealousy'. [...]

Undocumented Afghans (including those holding an Afghan passport or the tazkera) who do not have Government of Pakistan- or UNHCR-issued documents are 'in breach of the Foreigners Act, 1946 and are liable to arrest, detention and deportation'. [...]

According to a representative of Pakistan's NGO Human Rights Alliance (HRA) cited in the August 2021 paper by Mielke and others, 'undocumented refugees are often kept in prison for months and years'. » Source: EUAA, EUAA COI Report – Pakistan – Situation of Afghan Refugees, 19 May 2022: https://coi.euaa.europa.eu/administration/easo/PLib/2022_05_EUAA_COI_Report_Pakistan_Situation_of_Afghan_refugees.pdf.

FP, 22 novembre 2021 :

*« For decades, Pakistan has received displaced Afghans, creating one of the most protracted refugee crises in the world; it hosts 1.4 million officially registered refugees and as many as 3.5 million displaced Afghans in total, according to government estimates. But **since the Taliban takeover, Pakistan has pushed back against new arrivals from Afghanistan, tightening its border restrictions and deporting some people who have crossed over without visas. Many Afghans are being turned back from borders they previously crossed with ease.** [...]*

Pakistan has facilitated passage for some Afghan arrivals by issuing short-term transit visas, but it has resisted addressing the humanitarian situation for those who entered the country by other means. [...]

Despite the UNHCR operating there, Pakistan hasn't registered new refugees since 2007. "We are under very serious pressures," said Tammi Sharpe, a UNHCR representative during a panel last week about the Afghan crisis. » Source: Foreign Policy (FP), Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021: <https://foreignpolicy.com/2021/11/22/afghanistan-refugees-pakistan-taliban-border/>.

Friedrich Ebert Stiftung, décembre 2021 :

*« **More than 800,000 undocumented Afghans were also given Afghan Citizen Cards (ACC) by the Government of Pakistan, which protected the ACC holders against refoulement, and were valid for six months allowing Afghans to apply for an Afghan passport, and eventually a visa for staying in Pakistan** (Mielke et al., 2021). The introduction of ACCs was another effort at registration of Afghans with the objective of surveillance as the core driving*

force. In addition, **as the ACCs did not offer de facto protection as refugees, many Afghans were reluctant to sign up because of fear of being deported. Moreover, the Afghan Government also struggled to provide Afghan passports to the ACC holders in Pakistan, which further led to the lack of success of the ACC scheme.** Currently, there is an ongoing process of offering new PoR cards to Afghan refugees which require biometric registration. While a number of benefits are associated with the biometric verification such as easy access to services, the essence of the biometric feature is enhanced security and surveillance of Afghan refugees in Pakistan. Moreover, the validity dates and delays in extensions for the PoR cards and ACC registrations have dire consequences for the access to social services for the Afghans in Pakistan, including for health, education, the right to work, open a bank account, have a driving licence, own a SIM card, mobility, and renting arrangements (Mielke et al., 2021). » Source: Friedrich Ebert Stiftung, Bridging the Gaps - Migration Management and Policy Options for Afghan Refugees in Pakistan, décembre 2021: <http://library.fes.de/pdf-files/bueros/pakistan/18612.pdf>.

Gandhara, 16 novembre 2022 :

« [...] They are believed to be among the around 1,500 Afghan refugees, including women and children, who have been arrested in Sindh in recent weeks.

The authorities have said the Afghan nationals were charged with violating the Foreigners Act, a Pakistani law amended in 2016 that empowers authorities to deport foreigners lacking proper documentation. Courts can also fine or imprison foreigners for violating the law.

Those representing the Afghan citizens, however, complain that hundreds have been unlawfully arrested.

The mass arrests have fueled fears that Pakistan is waging a new crackdown against the millions of Afghan refugees and migrants residing in the South Asian nation. The authorities have warned foreigners that they will be deported or imprisoned for up to three years if they fail to renew their visas by December 31.

Tens of thousands of Afghans have fled to Pakistan since the Taliban seized power last year, joining the several million Afghan refugees and migrants already residing in the country for decades.

Many of the new arrivals have remained in Pakistan because of delays in getting visas to Western nations. Most have said they cannot afford the hundreds of dollars needed to renew their Pakistani visas.

'Horrible Conditions'

Abdul Wakil, an Afghan national, said his son was among the hundreds of Afghans recently arrested in Sindh. He said some of those arrested, including his son, had valid visas or refugee status.

"Those in prison are living in horrible conditions," Wakil, who requested that his real name not be used, told RFE/RL's Radio Azadi. "Someone needs to pay attention to our plight."

Muniza Kakar, a lawyer who is voluntarily representing Afghan refugees arrested in Pakistan, has helped free hundreds of people in recent days.

"I've met up to 400 imprisoned Afghans who had [valid] visas, but police confiscated their passports," she told Radio Azadi.

Kakar said that when she pressed the police to return the documents, they refused and claimed no one was carrying any papers.

"Such treatment is aimed at tormenting Afghans who have been arrested," she said.

Sohail Faiz, a senior police official in Karachi, the provincial capital of Sindh, said the arrests were part of a "combing operation against illegal immigrants" and would continue.

Senior leaders in Sindh's provincial government have said Afghans are a "key source of violence and crime." They have urged Islamabad for years to return Afghans to their homeland or resettle them in the northwestern province of Khyber Pakhtunkhwa, located along the Afghan border.

The United Nations refugee agency has criticized Pakistan's mass arrests of Afghan refugees in recent weeks.

"Refugees should not be punished or criminalized for exercising their fundamental human right to seek asylum," said Qaiser Khan Afridi, a spokesman for the UNHCR in Pakistan.

He said the UNHCR has called on Pakistan to suspend the forced return of Afghans regardless of their status, including asylum seekers who have had their claims rejected.

"We continue to urge neighboring countries, including Pakistan, to protect those seeking safety, as they have done for many years," he said.

Mohsin Dawar, a lawmaker from Khyber Pakhtunkhwa, told parliament that the Pakistani government is "responsible for formulating a law that must address" the problems of Afghan refugees.

"No one leaves their homeland unless they are forced to," he said on November 14.

Islamabad has said some 250,000 Afghans have entered Pakistan since January 2021, most of them arriving after the Taliban takeover in August 2021. Most of them are educated professionals looking to resettle in another country.

Former government workers, rights campaigners, and journalists have expressed fears of Taliban persecution. Others have said they wish to escape the Taliban's hard-line rule. The economic freefall has shuttered businesses and left scant options for alternative livelihoods. And the dire health-care situation has forced many Afghans to look abroad to Pakistan for medical treatment.

Before their arrival, Islamabad was already hosting an estimated 1.4 million documented refugees. Several hundred thousand more Afghans live in the country undocumented. So far this year, the UN's International Organization for Migration (IOM) has recorded the return of more than 65,000 Afghan refugees from Pakistan to Afghanistan.

Islamabad is not a signatory to international conventions on the rights of refugees. Pakistan has faced widespread accusations by Afghan refugees of harassment, ill-treatment, arbitrary detentions, and forced returns to Afghanistan.

Akbar, an Afghan national who has been living in hiding in Pakistan since his visa expired and who requested his real name not be used, said many Afghans fear a new clamp-down by Pakistani authorities.

"Everyone is anxious about what will happen to them," he told RFE/RL's Radio Azadi. » Source: Gandhara, 'Everyone Is Anxious': Pakistan's Mass Arrests Of Afghan Refugees Fuel Fear Of New Crackdown, 16 novembre 2022: <https://gandhara.rferl.org/a/pakistan-mass-arrests-afghan-refugees-crackdown/32133823.html#:~:text=Islamabad%20has%20said%20some%20250%2C000,to%20resettle%20in%20another%20country>.

Gandhara, 3 juin 2022 :

« Zaryali is among the hundreds of Afghan musicians who have fled to neighboring Pakistan since the Taliban takeover of Afghanistan. Soon after seizing power in August, the Taliban outlawed music and footage emerged of its fighters publicly beating and humiliating musicians and burning their instruments.

*The incidents have confirmed the worst fears of Afghan artists, who have said the Taliban is treating musicians with the same disdain it had shown during its first stint in power in the 1990s when it banned music as "un-Islamic." **But even in Pakistan, Afghan musicians say they are not safe. Authorities have cracked down on undocumented Afghan migrants and refugees and deported them back to Afghanistan. Pakistan, which already hosts over 1 million Afghans, has been keen to avoid another major influx of refugees.** Police in the north-western province of Khyber Pakhtunkhwa recently arrested four Afghan musicians for living illegally in the country. The arrests in the provincial capital, Peshawar, triggered protests by Pakistani musicians and activists who urged authorities not to deport them over fears for their safety. [...]*

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*The singer says many Afghan musicians in Peshawar, located near the Afghan border, are afraid to go outside and remain largely confined to their temporary accommodations. **"Some of them have expired passports while others have expired visas," said Zaryali. "They***

cannot perform or find any work. They live in fear of being deported back to a country where they cannot live safely because their lives are in danger. » Source: Gandhara, Afghan Musicians Who Fled Taliban Face Deportation From Pakistan, 3 juin 2022: <https://gandhara.rferl.org/a/afghan-musicians-fled-taliban-deportation-pakistan/31880365.html>.

Human Rights Commission of Pakistan, 29 avril 2022 :

« Following the takeover of Kabul by the Afghan Taliban, there was an influx of Afghan refugees, many of whom reported instances of harassment, such as border officials extorting money and refusing entry. [...]

The police arrested at least 194 Afghans in Peshawar in August on charges of rioting, damaging public property and shouting slogans against Pakistan while celebrating Afghan Independence Day. [...]

“After the Taliban takeover of Afghanistan in August 2021, there was an influx of Afghan refugees from the Chaman border crossing point. Most of these refugees settled in Quetta. Some of them even travelled as far as Karachi. In September, the Balochistan government deported 200 Afghan refugees because they had entered illegally. However, most refugees were allowed to remain in Balochistan. [...] civil society should be encouraged to assist refugees to whatever extent possible instead of being harassed by state authorities when such efforts are made. » Source: Human Rights Commission of Pakistan, Human Rights Commission of Pakistan State of Human Rights in 2021, 29 avril 2022: <https://hrcpweb.org/hrcpweb/wp-content/uploads/2020/09/2022-State-of-human-rights-in-2021.pdf>.

IOM, 15 novembre 2022 :

« During this reporting period, 130,365 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 8,691 individuals. Of the 30,765 crossings at Torkham, 8,750 individuals were Pakistani nationals with Afghanistan visa, 17,232 Afghan nationals with valid passport and Pakistani visa, 3,991 Afghan nationals with ACC/POR card holders and 709 undocumented individuals. Meanwhile, 83 people were deported during the reporting period. A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (37%) compared to Chaman (22%). » Source: IOM, Movement in and out of Afghanistan Snapshot (01- 15 November 2022), 15 novembre 2022: https://displacement.iom.int/sites/g/files/tmzbd11461/files/reports/AFG_MOVEMENTS%20IN%20AND%20OUT%20%281%20-%2015%20Nov%202022%29_v2.pdf.

IOM, 9 novembre 2022 :

« During this reporting period, 148,953 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,310 individuals. Of the 28,253 crossings at Torkham, 7,888 individuals were Pakistani nationals with Afghanistan visa, 15,544 Afghan nationals with valid passport and Pakistani visa, 4,267 Afghan nationals with ACC/POR card holders and 521 undocumented individuals. Meanwhile, 33 people were deported during the reporting period.

A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (37%) compared to Chaman (22%).
» Source: Organisation internationale pour les migrations (OIM), Movements in and out of Afghanistan, 16 October to 31 October 2022, 9 novembre 2022: https://reliefweb.int/attachments/515a40a1-4c6b-4bad-bc30-4abf35e8c135/AFG_MOVE-MENTS%20IN%20AND%20OUT%20%2816%20-%2031%20Oct%202022%29.pdf.

IOM, 15 octobre 2022 :

*« During this reporting period, 146,020 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,735 individuals. Of the 27,120 crossings at Torkham, 7,225 individuals were Pakistani nationals with Afghanistan visa, 15,073 Afghan nationals with valid passport and Pakistani visa, 4,328 Afghan nationals with ACC/POR card holders and 447 undocumented individuals. **Meanwhile, 47 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (38%) compared to Chaman (23%).*
» Source: IOM, Movements in and out of Afghanistan, 01-15 October 2022, 15 octobre 2022: https://reliefweb.int/attachments/c2366e7d-da65-4494-8983-258b397aab59/AFG_MOVE-MENTS%20IN%20AND%20OUT%20%281%20-%2015%20Oct%202022%29_v2_0.pdf.

IOM, 6 octobre 2022 :

*« During this reporting period, 145,084 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,672 individuals. Of the 24,484 crossings at Torkham, 6,427 individuals were Pakistani nationals with Afghanistan visa, 13,672 Afghan nationals with valid passport and Pakistani visa, 3,950 Afghan nationals with ACC/POR card holders and 342 undocumented individuals. **Meanwhile, 93 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (38%) compared to Chaman (23%).*
» Source: IOM, Movements in and out of Afghanistan, 1-15 September 2022, 6 octobre 2022: www.iom.int/sites/g/files/tmzbdl486/files/documents/afg-movements-in-and-out-01-15-sep-2022.pdf.

IOM, 30 septembre 2022 :

*« During this reporting period, 136,380 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,092 individuals. Of the 24,980 crossings at Torkham, 6,698 individuals were Pakistani nationals with Afghanistan visa, 13,132 Afghan nationals with valid passport and Pakistani visa, 4,728 Afghan nationals with ACC/POR card holders and 377 undocumented individuals. **Meanwhile, 45 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (38%) compared to Chaman (23%).*
» Source: IOM, Movements in and out of Afghanistan, 16-30 September 2022, 30 septembre 2022: www.iom.int/sites/g/files/tmzbdl486/files/documents/afg-movements-in-and-out-16-30-sep-2022.pdf.

IOM, 31 août 2022 :

« During this reporting period, 155,664 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,729 individuals. Of the 24,564 crossings at Torkham, 5,898 individuals were Pakistani nationals with Afghanistan visa, 14,049 Afghan nationals with valid passport and Pakistani visa, 4,192 Afghan nationals with ACC/POR card holders and 303 undocumented individuals. **Meanwhile, 122 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (40%) compared to Chaman (22%). » Source: IOM, Movements in and out of Afghanistan, 16-31 August 2022, 31 août 2022: www.iom.int/sites/g/files/tmzbdl486/files/documents/afg-movements-in-and-out-16-31-aug-2022.pdf.

IOM, 23 août 2022 :

« During this reporting period, 133,611 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 8,907 individuals. Of the 19,511 crossings at Torkham, 4,446 individuals were Pakistani nationals with Afghanistan visa, 10,000 Afghan nationals with valid passport and Pakistani visa, 3,957 Afghan nationals with ACC/POR card holders and 1,038 undocumented individuals. **Meanwhile, 70 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (40%) compared to Chaman (22%). » Source: IOM, Movements in and out of Afghanistan, 1 August to 15 August 2022, 23 août 2022 : www.iom.int/sites/g/files/tmzbdl486/files/documents/afg-movements-in-and-out-01-15-aug-2022.pdf.

IOM, 4 août 2022 :

« During this reporting period, 107,983 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 6,749 individuals. Of the 23,641 crossings at Torkham, 6,186 individuals were Pakistani nationals with Afghanistan visa, 12,286 Afghan nationals with valid passport and Pakistani visa, 4,796 Afghan nationals with ACC/POR card holders and 326 undocumented individuals. **Meanwhile, 47 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (36%) compared to Chaman (24%). » Source: IOM, Movements in and out of Afghanistan, 16 July to 31 July 2022, 4 août 2022: www.iom.int/sites/g/files/tmzbdl486/files/documents/afg-movements-in-and-out-16-31-july-2022.pdf.

IOM, 27 juillet 2022 :

« During this reporting period, 102,274 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 6,818 individuals. Of the 32,674 crossings at Torkham, 4,952 individuals were Pakistani nationals with Afghanistan visa, 10,095 Afghan nationals with valid passport and Pakistani visa, 16,966 Afghan nationals with Tazkira, ACC/POR card holders and

621 undocumented individuals. **Meanwhile, 40 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (36%) compared to Chaman (24%). » Source: IOM, Movements in and out of Afghanistan, 1 July to 15 July 2022, 27 juillet 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-01-15-jul-2022.pdf.

IOM, 30 juin 2022 :

« During this reporting period, 128,692 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 8,579 individuals. Of the 21,392 crossings at Torkham, 5,473 individuals were Pakistani nationals with Afghanistan visa, 11,669 Afghan nationals with valid passport and Pakistani visa, 3,446 Afghan nationals with Tazkira, ACC/POR card holders and 729 undocumented individuals. **Meanwhile, 75 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (38%) compared to Chaman (23%). » Source: IOM, Movements in and out of Afghanistan, 16 June to 30 June 2022, 30 juin 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-16-30-jun-2022.pdf.

IOM, 15 juin 2022 :

« During this reporting period, 130,636 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 8,709 individuals. Of the 22,436 crossings at Torkham, 12,135 individuals were Pakistani nationals with Afghanistan visa, 5,914 Afghan nationals with valid passport and Pakistani visa, 4,127 Afghan nationals with Tazkira, ACC/POR card holders and 175 undocumented individuals. **Meanwhile, 85 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (39%) compared to Chaman (23%). » Source: IOM, Movements in and out of Afghanistan, 1 June to 15 June 2022, 15 juin 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-01-15-jun-2022.pdf.

IOM, 10 juin 2022 :

« During this reporting period, 95,522 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 13,646 individuals. Of the 15,322 crossings at Torkham, 4,081 individuals were Pakistani nationals with Afghanistan visa, 8,203 Afghan nationals with valid passport and Pakistani visa, 2,788 Afghan nationals with Tazkira, ACC/POR card holders and 250 undocumented individuals. **Meanwhile, 39 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham was higher (39%) compared to Chaman (23%). » Source: IOM, Movements in and out of Afghanistan, 21 May to 31 May 2022, 10 juin 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-21-31-may-2022.pdf.

IOM Pakistan, 18 mai 2022 :

« **During the reporting period, border authorities facilitated the return of 59 individuals due to the lack of legal documentation to remain in Pakistan.** "In Pakistan, the primary occupations reported by returnees were: unskilled labor (74%), skilled labor (24%) and business (2%). The top 3 challenges returnees expected to face in Afghanistan were: arranging for livelihoods, settling into a new city and finding income opportunities." "Push factors: Unable to pay house rent 37%; Unable to pay utilities 30%; Fear of arrest/deportation 23%; no employment 8%; Business reasons 2%. » Source: IOM, Pakistan – Bi-weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (23 April to 6 May 2022), 18 mai 2022: https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/pak_fm_bi-weekly-dashboard-23-apr-to-06-may-2022.pdf.

IOM, 1er avril 2022 :

« *During this reporting period, 70,666 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 10,095 individuals. Of the 21,446 crossing at Torkham, 2,018 individuals were Pakistani nationals with Afghanistan visa, 15,660 Afghan nationals with valid passport and Pakistani visa, 3,457 Afghan nationals with Tazkira, ACC/POR card holders and 309 undocumented individuals. **Meanwhile, 22 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals travel to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham is higher (45%) compared to Chaman (23%).* » Source: IOM, Movements in and out of Afghanistan, 26 March to 01 April 2022, 1er avril 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-26-mar-01-apr-2022.pdf.

IOM, 30 mars 2022 :

« *During this reporting period, 69,711 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 9,959 individuals. Of the 19,911 crossing at Torkham, 2,652 individuals were Pakistani nationals with Afghanistan visa, 13,972 Afghan nationals with valid passport and Pakistani visa, 2,743 Afghan nationals with Tazkira, ACC/POR card holders and 482 undocumented individuals. **Meanwhile, 62 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals go to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham is higher (41%) compared to Chaman (23%).* » Source: IOM, Movements in and out of Afghanistan, 19 March to 25 March 2022, 30 March 2022: www.iom.int/sites/g/files/tmzbd1486/files/documents/afg-movements-in-and-out-19-mar-25-mar-2022.pdf.

IOM, 18 mars 2022 :

« *During this reporting period, 72,953 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 10,422 individuals. Of the 22,153 crossing at Torkham, 2,582 individuals were Pakistani nationals with Afghanistan visa, 12,601 Afghan nationals with valid passport and Pakistani visa, 6,290 Afghan nationals with Tazkira, ACC/POR card holders and 657 undocumented individuals. **Meanwhile, 23 people were deported during the reporting***

period. A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals go to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham is higher (41%) compared to Chaman (24%). » Source: IOM, Movements in and out of Afghanistan, 12 March to 18 March 2022, 18 mars 2022: www.migrationdataportal.org/sites/g/files/tmzbdl251/files/2022-03/AFG_MOVE-MENTS%20IN%20AND%20OUT%20%2812MAR%20-%2018%20MAR%202022%29.pdf.

IOM, 25 février 2022 :

« During this reporting period, 62,743 crossings from Pakistan to Afghanistan were observed, averaging a daily inflow of 8,963 individuals. Of the 20,443 crossing at Torkham, 1,755 individuals were Pakistanis with Afghanistan visa, 13,009 Afghans with valid passport and Pakistani visa, 5,102 Afghans with Tazkira, and 577 ACC/POR card holders. Also at Torkham were 231 individuals who did not have legal document. **Meanwhile, 23 people were deported during the reporting period.** A majority of Afghan nationals returned from Pakistan after visiting family or conducting business. Similarly, Pakistani nationals go to Afghanistan for business trips or family visits. The percentage of female crossing through Torkham is higher (41%) compared to Chaman (25%). » Source: IOM, Movements in and out of Afghanistan, 19 February to 25 February 2022, 25 février 2022: www.migrationdataportal.org/sites/g/files/tmzbdl251/files/2022-03/AFG_MOVE-MENTS%20IN%20AND%20OUT%20%2819%20FEB%20-%2025%20FEB%202022%29%20-%202%20pager.pdf.

IOM, 18 février 2022 :

« From 29 January to 11 February 2022, 2,805 undocumented Afghan migrants returned to Afghanistan, including 311 through the Torkham border point and 2,494 through the Chaman border point. **During the reporting period, border authorities facilitated the return of 42 individuals due to the lack of legal documentation to remain in Pakistan.** Therefore, information concerning these 42 individuals is not included in the report analysis. » Source: IOM, – Bi-weekly Flow Monitoring Report: Spontaneous Return of Undocumented Afghan Migrants from Pakistan (29 January to 11 February 2022), 18 février 2022: <https://displacement.iom.int/sites/g/files/tmzbdl1461/files/reports/PAK%20FM%20BI-WEEKLY%20DASHBOARD%2029%20JAN%20TO%2011%20FEB.pdf>.

Khaama press news agency, 29 novembre 2022 :

« According to a report by Afghanistan National Television, the state-run media in Afghanistan, on Tuesday, November 29, 32 undocumented Afghan refugees were released from Pakistani prisons and were deported to Afghanistan.

Authorities for refugees and repatriation in the eastern Afghan province of Nangarhar, which is bordered by Pakistan, confirmed the release and deportation of Afghan refugees who lacked the necessary registration and papers.

Albeit, the precise number of irregular Afghan refugees detained in the prisons of Pakistan is still unknown, **authorities previously confirmed the release and deportation of another batch of 35 refugees.**

With the political unrest in Afghanistan, a large number of refugees sought asylum in the Afghan bordering countries of Iran, Tajikistan, and Pakistan.

Many of them are currently waiting to be resettled in other western countries, while many Afghans have already been relocated to different countries as part of the evacuation process. »
Source: Khaama press news agency, Pakistan Releases and Deports over 30 Undocumented Afghan Refugees, 29 novembre 2022: www.khaama.com/pakistan-releases-and-deports-over-30-undocumented-afghan-refugees-46434/.

Khaama Press news agency, 8 novembre 2022 :

« The Taliban-administered Afghan Consulate in Pakistan's Karachi stated that 30 undocumented Afghan migrants who were held in detention centers in Pakistan were released and sent back to Afghanistan.

The Afghan immigrants were detained and imprisoned in Pakistan because they lacked the necessary legal documentation, according to the in-charge of the Afghan consulate in Karachi, who made the statement on Tuesday morning, November 7.

According to the Taliban, many Afghan people are currently believed to be detained in Pakistani prisons, and the group is making efforts to have them released.

*According to a statement made by former Afghan president **Hamid Karzai**, who cited media sources, **Pakistan has detained and imprisoned over 1,000 Afghan immigrants in its Sindh province alone.***

By releasing a statement, Hamid Karzai expressed his regrets over the treatment of the Afghan immigrants by the Pakistani government and urged that country "adopt a healthy approach befitting a good neighbor" with the Afghan immigrants in accordance with international norms and human rights.

He has also urged that the UN and other human rights organizations work to improve the living conditions and uphold the rights of Afghan immigrants in Pakistan.

This comes as the UN estimates that there are currently 1.3 million Afghan immigrants with legal status living in Pakistan, although there may be hundreds of thousands more Afghan immigrants without legal documents. » Source: Khaama Press news agency, Irregular Afghan Migrants in Pakistan Released from Detention, Deported to Afghanistan, 8 novembre 2022: www.khaama.com/irregular-afghan-migrants-in-pakistan-released-from-detention-deported-to-afghanistan-34353/.

Landinfo, 1er novembre 2022 :

« PoR-kortet er ikke et reisedokument, og de rettigheter tillatelsen gir, oppheves dersom innehaveren forlater Pakistan (eksempelvis om innehaveren reiser fra Pakistan til Afghanistan) (CAR u.å.). For nye reiser til Pakistan, gjelder da den pakistanske utlendingsloven med krav om gyldige reisedokumenter og visum til Pakistan.

Afghanere med PoR-kort skal i utgangspunktet få kortet sitt hullet og dermed ugyldiggjort, og bli avregistrert, dersom de krysser grensen over til Afghanistan. Kontrollregimet på grensepasseringspunktene mellom Afghanistan og Pakistan har historisk sett vært svært varierende, og det foreligger informasjon om at afghanere med PoR-kort har reist til hjemlandet, for så å komme tilbake til Pakistan uten å miste oppholdstillatelsen sin (Akhtar 2021). » Source: Landinfo, Pakistan: Afghanere med Proof of Registrationkort, 1er novembre 2022, p.4: www.ecoi.net/en/file/local/2081335/Respons-Pakistan-Afghanere-med-PoR-kort-01112022.pdf.

MFA, septembre 2022 :

« *Afghanen en hun status*

Volgens UNHCR en de Internationale Organisatie voor Migratie (IOM) verbleven er begin 2022 meer dan 1,4 miljoen geregistreerde Afgaanse vluchtelingen binnen Pakistans grenzen, evenals ongeveer 840.000 houders van een Afghan Citizenship Card (ACC) en naar schatting 500.000-600.000 Afghanen zonder papieren. Dit brengt het totaal op meer dan 2,84 miljoen Afghanen.

Afgaanse vluchtelingen die zich geregistreerd hebben bij UNHCR ontvingen een Proof of Registration Card (PoR).⁸⁵⁴ De PoR Card is een identiteitsbewijs voor Afgaanse vluchtelingen dat het recht verleent om legaal in Pakistan te verblijven. De kaart is geldig in heel Pakistan. PoR Card-houders kunnen niet worden gearresteerd op grond van de Vreemdelingenwet (Foreigners Act) van 1946 of andere preventieve wetten. De PoR Card beschermt echter niet tegen strafvervolging als de houder betrokken is bij criminele activiteiten of de Pakistaanse wet heeft overtreden. De PoR Card is geen reisdocument en geeft geen recht om internationale grenzen te overschrijden, ook niet die tussen Pakistan en Afghanistan. De PoR kaart is alleen bedoeld voor Afgaanse vluchtelingen en verleent het recht op gezondheidszorg, onderwijs en bewegingsvrijheid binnen Pakistan. Afghanen met een PoR Card mogen echter niet werken. Verder is de toegang tot gezondheidszorg en onderwijs weliswaar theoretisch verzekerd, maar in de praktijk is het gezondheids- en onderwijssysteem zo overbelast dat deze toegang beperkt is.

Het is belangrijk dat geregistreerde Afghanen hun PoR Card altijd bij zich dragen en op verzoek aan de rechtshandavingsinstanties kunnen tonen. Naast de vluchtelingen met een PoR Card, zijn er de houders van een Afghan Citizenship Card (ACC). Dit zijn Afghanen die al langer (soms wel generaties) in Pakistan wonen en niet door UNHCR als vluchteling zijn geregistreerd. Met een ACC konden zij tijdelijk legaal in Pakistan wonen. De ACC-identificatiebewijzen boden toegang tot gezondheidszorg en onderwijs en beschermden tegen arrestatie en uitzetting. Het is niet bekend of kaarthouders wel of niet mochten werken, de regels hierover waren erg onduidelijk.⁸⁶¹ De ACC kaarten verliepen allemaal op 30 juni 2020 en zijn sindsdien niet verlengd.

Volgens IOM en UNHCR waren er in december 2021 ongeveer 840.000 houders van verlopen ACC's. De status van deze personen is onduidelijk, sommige waarnemers denken dat het aflopen van de kaarten betekent dat zij geen bescherming meer bieden tegen refoulement (uitzetting).

Afghanen zonder papieren in Pakistan hebben beperkte toegang tot huisvesting en onderwijs, en zonder wettelijke bescherming kunnen ze het doelwit zijn van discriminatie

en pesterijen door de politie. Ze zouden niet mogen werken. Volgens een vertegenwoordiger van een ngo zouden zij 'vaak maanden of jaren in de gevangenis worden vastgehouden'. Volgens het rapport 'Pakistan – situation of Afghan refugees' van het European Agency for Asylum (EAAA), zouden ongedocumenteerde Afghanen wel afspraken kunnen krijgen bij publieke gezondheidscentra, maar zouden ze zelf voor hun medicijnen moeten betalen. Dit zou betekenen dat niet de legale status, maar de financiële situatie van een persoon bepaalt of zij wel of geen toegang hebben tot adequate gezondheidszorg. Het groeiende anti-vluchtelingensentiment heeft het probleem nog verergerd: sinds de machtsovername door de Taliban hebben sommige provincies het strafbaar gesteld om Afghanen op te vangen. Dit ondanks de aanmoediging van internationale organisaties om meer Afghaanse vluchtelingen op te nemen in Pakistan. [...]

4.2.1 Gedwongen terugkeer en refoulement vanuit Pakistan

Pakistan is geen partij bij het Vluchtelingenverdrag van 1951. Hoewel er dus geen formeel verbod op refoulement bestaat, heeft het land dit principe doorgaans wel gerespecteerd. Sinds september 2021 zijn er echter gedocumenteerde gevallen van deportatie van geregistreerde vluchtelingen.

Volgens mediaberichten zouden er in de herfst van 2021 honderden ongeregistreerde Afghanen gedeporteerd zijn, terug naar Afghanistan. Dit gebeurde onder andere vanuit Quetta, Karachi en Lasbela en via de Torkham, Chaman en Badini grensovergangen. Toen in september 2021 tweehonderd Afghanen werden uitgezet, verklaarde een Division Commissioner in Quetta dat 'deze Afghaanse families gedeporteerd werden omdat ze Pakistan illegaal binnengekomen zijn'. Hij zei dat alle Afghanen die Pakistan illegaal binnenkomen, uitgezet zullen worden.

In de grensgebieden bestaan speciale regelingen voor bewoners om gemakkelijk de grens over te gaan. Bij de Chaman grensovergang konden Afghanen die in het grensgebied wonen gewoonlijk oversteken zonder visum. Sommige Afghanen kochten vervalste identiteitskaarten waarop stond dat ze uit de Afghaanse grensprovincie Kandahar kwamen, zodat ze zonder problemen de grens konden passeren.

4.2.2 Asielaanvragen, asielbeoordeling en verblijfssatus in Pakistan

Pakistan kent geen nationale procedure die voorziet in de mogelijkheid om asiel aan te vragen bij de autoriteiten van Pakistan en heeft evenmin het Vluchtelingenverdrag van 1951 ondertekend. De UNHCR beoordeelt daarom de gevallen en registreert personen met verhoogde beschermingsbehoeften. Bij de registratie vormt de eerste stap een screening om de beschermingsbehoeften en risicoprofielen van de aanvragers vast te stellen. UNHCR werkt daarbij niet samen met de Pakistaanse autoriteiten, maar deze zijn wel op de hoogte. Pakistan accepteert over het algemeen de besluiten van de UNHCR om de status te verlenen en staat asielzoekers toe in Pakistan te blijven in afwachting van een duurzame oplossing.

4.2.3 Rechten van vreemdelingen

Asielzoekers en erkende vluchtelingen worden gedoogd. Meestal is een registratiedocument voldoende voor tijdelijk onderdak. Soms kunnen zij betaald werk verrichten, de mogelijkheden en regels hiervoor zijn echter erg onduidelijk. Ongeregistreerde vreemdelingen lopen het gevaar opgepakt en lastig gevallen te worden op basis van de Vreemdelingenwet. Zie paragraaf 4.1 over de wettelijke bepalingen met betrekking tot vreemdelingen. » Source: Netherlands Ministry of Foreign Affairs (MFA), Algemeen Ambtsbericht

Pakistan, septembre 2022, p.108-109: www.ecoi.net/en/file/local/2079106/aab-pakistan-september-2022.pdf.

Mixed Migration Center, 25 mai 2022 :

« [I]n Pakistan, an increasingly large number of Afghans have become undocumented after overstaying their visas, leaving them with no legal right to reside in Pakistan yet unwilling to return to Afghanistan.

Afghans in Iran and Pakistan have protested the restrictions, demanding better treatment and protection. In Islamabad, on April 19, dozens of Afghan refugees launched a demonstration in front of the United Nations High Commissioner for Refugees office, carrying signs with the slogan: "Either kill us or save us from this misfortune." [...]

Authorities in Iran and Pakistan have securitized border controls and stepped up deportations, using political rhetoric portraying Afghan refugees and undocumented migrants as a threat to national security. In January, Pakistan announced it had completed 94 percent of the fencing work along the Pakistan-Afghanistan border, claiming the barrier will strengthen security for both countries ». Source : Mixed Migration Center, Unwelcome Refugees: Afghans Continue to Face Pushback and Deportation, 25 mai 2022 : <https://mixedmigration.org/articles/unwelcome-refugees-afghans-continue-to-face-pushback-and-deportation/>

NRC, 10 août 2022 :

*« Overall, a mixed picture of the refugee and internal displacement situation has emerged over the last year, with both new displacements and returns being recorded. It is difficult to assess the full scale of cross-border movement due to the closure of official crossings, which pushed many Afghans into making illegal crossings. **Yet the large numbers of deportations of Afghans back to Afghanistan from Iran and Pakistan occurring in recent months indicate the numbers seeking to flee over the past year have been high. Between June 2021 and May 2022, one and a half million people left for Iran and almost three million people left for Pakistan. Key push factors, which have forced people to flee the country, include the initial spike in conflict in the months leading up to the Taliban takeover, economic deprivation, and political persecution.** [...]*

However, economic challenges abroad, depleted resources and the politically hostile environments in Iran and Pakistan have also forced many Afghans to return - often referred to as 'spontaneous' returnees. » Source: Norwegian Refugee Council (NRC), Afghanistan at a Precipice; Humanitarian overview one year since the Taliban takeover of Afghanistan, 10 août 2022: www.nrc.no/globalassets/pdf/reports/afghanistan-at-a-precipice/afghanistan-at-a-precipice_nrc_august-2022.pdf.

OSAR, 27 septembre 2022 :

« Wie bereits von der Schweizerischen Flüchtlingshilfe SFH am 30. Juni 2022 beschrieben (vgl. unten), können Afghan*innen, welche eine Einreisebewilligung in die Schweiz haben, auch ohne legalen Aufenthaltsstatus in Pakistan mithilfe der Schweizerischen Botschaft ein «Transit Visum» / «safe passage» für die Ausreise aus Pakistan erhalten.

Die Schweizer Botschaft muss sich hierfür an das pakistanische Aussenministerium (MOFA) wenden. In der Auskunft der SFH vom 30. Juni 2022 war unklar, ob diese Möglichkeit zeitlich begrenzt ist. CBC News ging von einer zeitlichen Beschränkung bis am 8. August 2022 aus, in anderen Quellen wurde keine Zeitbegrenzung erwähnt.

Die Ausstellung von «Transit Visa» ist mithilfe der Schweizerischen Botschaft immer noch möglich. Der SFH ist ein Fall bekannt, bei dem zwei Afghanen mit der Unterstützung der Schweizer Botschaft in Islamabad Ende August 2022 ein «Exit Visum» erhalten haben. Auch zwei von der SFH kontaktierte Journalisten, ein pakistanischer Journalist in der Türkei und ein afghanischer Journalist in Europa, gehen davon aus, dass dieses Vorgehen in Einzelfällen weiterhin möglich ist (E-Mail-Auskunft an die SFH, 8. September 2022; whatsapp an die SFH, 6. September 2022). Auch ein pakistanischer Behördenvertreter bestätigt gegenüber der SFH, dass dieses Vorgehen noch möglich ist: Laut Salman Sufi, dem Leiter der Abteilung für strategische Reforminitiativen des Premierministers (Head of Prime Minister's Strategic Reforms Initiatives) ist diese Regelung noch gültig (Email an die SFH, 12. September 2022). » Source: Organisation suisse d'aide aux réfugiés (OSAR), Afghanistan: Transitvisa für Afghan*innen, um aus Pakistan auszureisen, Update, 27 septembre 2022, p.1: <https://asylwiki.osar.ch/attachment/download/5455>.

Pajhwok Afghan News, 12 juin 2022 :

« Pakistan Prime Minister Shehbaz Sharif has given the go-ahead to a new transit visa policy for the Afghan immigrants, says an official.

Irked by issues faced by Afghan citizens and illegal immigrants, Sharif approved the new policy on issuing on-arrival-visa to Afghan citizens going abroad through Pakistan.

Salman Sufi, head of the PM's Strategic Reforms Initiatives, tweeted: "Taking notice of issues faced by Afghan citizens, Shehbaz has approved on-arrival visas for Afghan refugees who need to pass through Pakistan to reach their destination which has approved their immigration."

Under the new policy, the government of Pakistan would issue 30-day transit visas to Afghan citizens within 24 hours, the official added.

The countries granting immigration to the Afghan citizens could apply for transit visas from Pakistan, Sufi explained. » Source: Pajhwok Afghan News, Pakistan OKs new transit visa policy for Afghans, 12 juin 2022: <https://pajhwok.com/2022/06/12/pakistan-oks-new-transit-visa-policy-for-afghans/>.

Salam Watandar, 9 novembre 2022 :

« Reports about the arrest of more than 1,100 Afghan citizens who were immigrants in Pakistan have sparked concerns as, the Pakistani government has not provided any details about the reason for this arrest.

Hamid Karzai, the former Afghan president has issued a statement expressing his concern, and asked Pakistan to deal with Afghan immigrants according to international norms.

However, the Afghan embassy in Pakistan has announced that 30 Afghan citizens who were imprisoned in the city of Karachi have been released. This number of Afghan citizens were released from Pakistani prisons on Monday and were transferred back to the country.

They were arrested by the Pakistani police for not having legal residence documents. The Afghan embassy in Pakistan said that these people were released as a result of diplomatic efforts. It is said that there are women and children among those arrested.

Abdul Razzaq Barq, a Pakistani freelance journalist, told Salam Watandar: "For Afghan citizens who have been detained, prisons named Landi Prison, Central Prison, Homan Prison and a prison called Maktab have been used."

Mass arrest of Afghan immigrants in Pakistan has also raised concerns among immigrants in Pakistan.

Sami-ul-Rahman Rahmani, an Afghan journalist who lives in Pakistan, considered the situation of Afghan immigrants in Pakistan to be alarming and demands attention from human rights institutions and the government of Pakistan.

"Afghan immigrants in Pakistan are in a bad situation with so many economic problems and lack of accommodation and visa problems. Those who came legally, their visas have expired but it is not extended. If human rights defenders do not pay attention to the situation of immigrants, the situation will worsen and they will be expelled from Pakistan."

The expiration of the visas of Afghan migrants in Pakistan has exposed hundreds of migrants to forced deportation. » Source: Salam Watandar, Arrest of Afghan refugees in Pakistan sparks concerns, 9 novembre 2022: <https://swn.af/en/index.php/2022/11/09/arrest-of-afghan-refugees-in-pakistan-sparks-concerns/>.

SEM, 30 mars 2022 :

« Pakistan gehört nicht zu den Unterzeichnern der Genfer Flüchtlingskonvention. Auf der Grundlage des Foreigner's Act 1946 (Section 14) können ausländische Bürger, die sich in Pakistan ohne gültige Reisedokumente (inkl. kein Pakistan-Visum) aufhalten, gebüsst werden. Pakistan unterscheidet zwischen afghanischen Flüchtlingen, die registriert bzw. nicht registriert sind. [...]

Zwischen 2017 und 2018 stellte die pakistanische Behörde NADRA die Afghan Citizen(ship) Card (ACC) aus, um nicht-registrierte Personen aus Afghanistan zu dokumentieren. Die aktuellste Behörden-Information ist, dass die AAC bis am 31. Oktober 2019 gültig war. Eine Quelle teilte der belgischen Partnerbehörde mit, dass die Gültigkeit des AAC bis Mai 2020 (Stand 03.04.2020) verlängert worden sei.

Wichtige Informationen betreffend Afghan Citizen(ship) Card (ACC):

- **Nicht-registrierte afghanische Flüchtlinge und afghanische Neuankömmlinge können keine ACC beantragen.**

- **Pakistanische Behörden stellten die ACC ausschliesslich in der Vergangenheit aus, in den Jahren 2017 und 2018.**

Nicht-registrierte Flüchtlinge: Besitzt eine afghanische Person in Pakistan keine gültigen Reisedokumente und weder PoR- noch ACC-Karte, wird sie von pakistanischen Behörden als «illegaler Einwanderer» betrachtet. Ausschliesslich beim UNHCR registrierte afghanische Flüchtlinge, die weder PoR- noch ACC-Karte haben, dürfen sich gemäss DFAT zwar legal in Pakistan aufhalten. Da sie jedoch gegen das pakistanische Ausländerrecht Foreigner's Act 194635 verstossen, können sie unter Umständen verhaftet und rückgeführt werden. [...]

In der Vergangenheit legten die USA nahe, dass der militärische Nachrichtendienst Pakistans Beziehungen pflege zu den Afghanischen Taliban und dem Haqqani-Netzwerk. [...]

Ob eine systematische Zusammenarbeit zwischen pakistanischen Sicherheitsbehörden und der Taliban-Interimsregierung besteht, kann die Länderanalyse SEM nicht beurteilen. Auf der Grundlage des zitierten Joint Statement vom Februar 2022 scheint das noch nicht der Fall zu sein. [...] » Source: Secrétariat d'Etat aux migration (SEM), Focus Pakistan / Iran / Türkei - Situation afghanischer Migrantinnen und Migranten, 30 mars 2022, p.8: www.sem.admin.ch/dam/sem/de/data/internationales/herkunftslander/asien-nahost/afg/AFG-situation-migranten-d.pdf.download.pdf/AFG-situation-migranten-d.pdf.

TDG, 22 février 2022 :

« Zubair se souviendra longtemps de cette journée d'août 2021. Les talibans viennent de prendre Kaboul et ce journaliste d'une vingtaine d'années s'enfuit au Pakistan avec son frère et sa sœur. La famille échoue dans un immeuble à Quetta, au milieu de soldats et de policiers du régime déchu. «Un jour, la police a fait une descente. Nous avons réussi à leur échapper, mais les autres n'ont pas eu cette chance. Les anciens des forces de sécurité ont été expulsés et livrés aux talibans», raconte ce jeune homme frêle, visage pâle et émacié, le regard inondé de peur.*

Un ancien procureur de l'armée a vécu le même incident dans cette ville de l'ouest du Pakistan. Il raconte: «Je logeais dans le quartier de Hazara Town lorsque la police m'a arrêté avec d'autres réfugiés. Les policiers nous ont interrogés pendant cinq jours. Ils nous ont battus, privés de sommeil. Ils voulaient savoir lesquels parmi nous étaient des anciens fonctionnaires du régime. J'ai réussi à cacher ce que je faisais, alors que les autres ont été transférés ailleurs. Je ne sais pas ce qu'ils sont devenus. »

L'expulsion d'anciens fonctionnaires et soldats vers l'Afghanistan entre les mains des talibans illustre le partenariat étroit entre Islamabad et les combattants islamistes. Les services de renseignement pakistanais (ISI) leur ont fourni des bases arrière après 2001 et jusqu'à leur retour au pouvoir. La victoire des talibans est aussi celle du Pakistan. Pourtant, ce succès angoisse le gouvernement au plus haut niveau. » Source: Tribune de Genève (TDG), Le Pakistan dans le piège des talibans afghans, 22 février 2022: www.tdg.ch/le-pakistan-dans-le-piege-des-talibans-afghans-597368524736

The Nation, 5 décembre 2022 :

« For over a decade, Pakistan has embarked on a process of documentation and registration of Afghan migrants and refugees in the country. Registered refugees are provided renewable Proof of Registration (PoR) cards since 2006-07 that entitle them to certain rights and assistance from the state, while since 2017 there are also holders of Afghan Citizen Cards (ACC). There are currently around 1.4 million PoR cardholders, and 840,000 ACC holders. In addition, there are varied estimates – from 400,000 to as high as a million – of unregistered and undocumented Afghans. [...]

Currently, PoR and ACC holders have access to health care services equal to Pakistani nationals, though this is not based on a specific policy or legislation. In fact, most Afghan refugees are able to access health care services in times of need. But free healthcare is tied to registration status. Registered refugees are also included in government health programmes such as immunization campaigns, tuberculosis control, and HIV prevention and treatment. **But the quality of health care for refugees remains a concern. And the situation is likely to be worse for undocumented refugees, who are also known to borrow PoR cards or ACCs to gain access to healthcare.** [...] » Source: The Nation, Health care for Afghan refugees and migrants in Pakistan, 5 décembre 2022: www.nation.com.pk/05-Dec-2022/health-care-for-afghan-refugees-and-migrants-in-pakistan.

TNH, 10 août 2022 :

« [...] restrictive and harsh policies have made it difficult for Afghans to seek safety and economic reprieve outside the country. »

“Pakistan and Iran have long hosted the vast majority of people displaced over successive decades of conflict in Afghanistan. **Currently, Iran hosts about 3.5 million displaced Afghans and Pakistan hosts about 3.1 million. Only about a third of Afghans in each country are registered with the UN’s refugee agency, UNHCR. The rest are undocumented, due to challenges in obtaining legal status, and risk deportation. Pakistan’s entry requirements for Afghans have been inconsistent since the Taliban retook control of Afghanistan. According to a research report by the European Union Agency for Asylum (EUAA), Afghans are required to show authorities a valid passport and visa, yet some are occasionally permitted to enter with only a national ID card.**

Due to an overwhelming demand for passports and a lack of government staff, passport offices in Afghanistan are often closed. Many people opt to sell their property and assets to purchase travel documents for roughly \$9,000 on the black market, according to information compiled by Samuel Hall, an independent think tank conducting research on migration in Afghanistan, and shared with The New Humanitarian.

Hundreds of thousands of others pay still-high, but less exorbitant costs to smugglers who ferry people without documents across the border into Pakistan, according to Samuel Hall. However, the Pakistani army and paramilitary groups frequently push people back across the border, despite UNHCR advising countries not to forcibly return people to Afghanistan.

Between January and July of this year, the UN’s emergency aid coordination body, OCHA, found that 46,300 Afghans were expelled or deported from Pakistan, which is 40,000 more than in the same period in 2021. » Source: The New Humanitarian (TNH), One

year on, few options for Afghans escaping hunger and Taliban persecution, 10 août 2022: www.thenewhumanitarian.org/news-feature/2022/08/10/Afghan-refugees-Taliban-hunger-asylum.

UNHCR, 31 March 2022 :

« Afghan new arrivals faced multi-faceted protection challenges. Most notably, access to registration and documentation which would enable them to enjoy basic rights, facilitate access to services, and mitigate the risk of arrest and [sic] detention.

*Moreover, such access would protect against refoulement. **Between September and November, 1,800 Afghans - predominantly undocumented Afghans, including some new arrivals – were reportedly deported.** Among new arrivals: approximately 20 per cent reported a specific need and of this subset: 29 per cent had serious medical needs; 16 per cent had disabilities; 14 per cent were women-at-risk; 11 per cent were single parents; and 8 per cent were children-at-risk. The top concerns for the new arrivals residing in Pakistan were access to shelter (87 per cent), livelihoods (82 per cent), food (78 per cent) and medical assistance (42 per cent).* » Source: UNHCR, Afghanistan Situation – Regional Refugee Response Plan 2021 Final Report, 31 March 2022: <https://data2.unhcr.org/en/documents/details/91722>.

UNHCR, pas de date :

*« **Pakistan is not a party to the 1951 Convention relating to the Status of Refugees/1967 Protocol and has also not enacted any national legislation for the protection of refugees nor established procedures to determine the refugee status of persons who are seeking international protection within its territory. Such persons are therefore treated in accordance with the provisions of the Foreigners Act, 1946.***

In the absence of a national refugee legal framework, UNHCR conducts refugee status determination under its mandate (Statute of the Office of the United Nations High Commissioner for Refugees adopted by the General Assembly Resolution 428 (V) of 14 December 1950) and on behalf of the Government of Pakistan in accordance with the 1993 Cooperation Agreement between the Government of Pakistan and UNHCR. Pakistan generally accepts UNHCR decisions to grant refugee status and allows asylum-seekers (who are still undergoing the procedure) as well as recognized refugees to remain in Pakistan pending identification of a durable solution. » Source: UNHCR, Asylum system in Pakistan, pas de date: www.unhcr.org/pk/protection/asylum-system-in-pakistan#:~:text=Pakistan%20is%20not%20a%20party,international%20protection%20within%20its%20territory.

UNHCR, pas de date :

*« **Can unregistered Afghans apply for a PoR card?***

Afghans who never held a PoR card, including family members of PoR cardholders who were never registered with NADRA are not entitled to the issuance of PoR cards. However, they may wish to approach NADRA during the upcoming registration exercise for undocumented Afghans residing in Pakistan. Information on this exercise will be shared by the Government of Pakistan as UNHCR is not involved in this activity.

They may also apply for refugee status with UNHCR if they are able to establish in a comprehensive interview that they cannot return to Afghanistan because they fear for their life or liberty. Information on how to access the refugee status determination procedure and the applicable criteria for being granted refugee status is available from UNHCR and its partners. » Source: UNHCR, Proof of Registration Card (PoR), pas de date: <https://help.unhcr.org/pakistan/proof-of-registration-card-por/>.

USDOS, 12 avril 2022 :

« The government provided temporary legal status to more than 1.4 million Afghan refugees who arrived prior to 2007 by issuing proof of registration (POR) cards that expired on December 31, 2015. Since then, POR cards were renewed intermittently through cabinet decisions but expired without further renewal on June 30, 2020. The country also hosted approximately 878,000 Afghans with Afghan Citizen Cards but did not grant them refugee status. The government typically extended the validity of the Afghan Citizen Cards in short increments but allowed these cards to expire on June 30, 2020, and the government has not since renewed the cards. The government issued a notice in June 2020 directing agencies and departments to ensure that no harassment or adverse action be taken against POR and Afghan Citizen Card holders until the federal cabinet made a formal decision.

In March in collaboration with UNHCR, the government started the Document Renewal and Information Verification Exercise to update information on, and provide biometric cards with June 30, 2023, validity, to registered Afghan refugees and their immediate family members in Pakistan. » Source: US Department of State (USDOS), 2021 Country Report on Human Rights Practices: Pakistan, 12 avril 2022: www.ecoi.net/en/document/2071127.html

VOA, 4 novembre 2022 :

« Afghan journalists who fled across the border to Pakistan to escape Taliban rule say they still face an uncertain future.

Living in Pakistan often on temporary or family visas, many are unable to find work and are concerned about their legal status when their permits expire. "We don't know what is going to happen to us," said 24-year-old Waslat Khan.

A presenter for the Kabul-based Jawanan TV until the Taliban took over Afghanistan in August 2021, Khan told VOA her three-month visa expired in June and she has "yet to receive an extension." Living with her husband in a suburb of Islamabad, Khan said she fears jail or deportation after Pakistan announced new measures against those who overstay.

Earlier this year, Pakistan's Ministry of Interior announced a visa amnesty in place until Dec. 31, 2022. During that time, authorities will not issue charges for those who have overstayed a visa by up to a year. After that, authorities will take action. Under Pakistan's 1946 Foreigners Act, overstaying a visa can result in up to three years in prison.

The announcement has caused concern among the dozens of Afghan journalists who have fled to Pakistan.

Neither the spokespersons for Pakistan's Foreign Ministry nor the Interior Ministry responded to VOA's email requesting comment and further details on the visa amnesty.

Qaiser Khan Afridi, a spokesperson for the U.N. Refugee Agency, or UNHCR, told VOA that his organization has called on host countries not to turn away Afghans whose lives would be at risk. "We have issued advisories, and we requested all the countries not to, you know, send back some of those whose lives might be at stake," Afridi said. "Developed countries should also support the refugee-hosting countries such as Pakistan and Iran, because [those countries] have supported refugees for the last many years."

Khan believes her life would be in danger if forced to return to Afghanistan. "My house was searched many times, and I was forced to escape and come here to Pakistan," she said.

The journalist told VOA she received anonymous threats before Kabul fell saying if she didn't leave her job, she would be killed. When the Taliban took power, her home was searched at least three times, "but fortunately I was not there," she said. Her husband was later detained and beaten. Shortly after, Khan applied for a medical visa that allowed her entry to Pakistan.

Since the Taliban has been in control, the environment for Afghan journalists has declined, with media rights groups citing censorship, violence and economic hardship. Female reporters are most affected.

Media watchdog Reporters Without Borders has found that since August 2021, 40% of Afghan media outlets have closed, and 84% of women have lost their jobs.

The Taliban did not respond to VOA's request for comment.

Escaping Afghanistan did not address all of Khan's concerns. "I thought that I could find a job here [in Islamabad], and someone would support us. But I was wrong," she said. Now, Khan said, she feels "hopeless" and "depressed" and says she doesn't know what to do.

'Most are jobless'

Najibullah Habibi, the former owner of Tajala TV in central Maidan Wardak province, told VOA that around 250 to 300 Afghan journalists are now in Pakistan, including himself. Habibi moved to Islamabad with his wife and four children in March.

"Afghan journalists who moved to Pakistan have multiple problems," Habibi said. A few found work online, but "most of them are jobless," he said. "Some of them even sold their laptops and cameras to get money to buy food and pay the rent."

A few international organizations have helped journalists, said Habibi, "but only those who have been threatened and provide documentation of that are helped financially." "It is not easy to provide such documentation," he added.

Uncertain future

For Shukria Seddiqi, a journalist from the western province of Herat, financial issues are her biggest concern.

Seddiqi worked for Radio Faryad before moving to Islamabad with her husband and their three children two months after the Taliban takeover. "We spent all the money that we brought with us here from Afghanistan," she told VOA. "Now, we are asking our families and relatives in Afghanistan to send us money so we can live here in Pakistan. It is difficult. I worked for 14 years in Afghanistan, but now I have to stay home."

Pauline Ades-Mevel, editor-in-chief of RSF, told VOA that many of the Afghan journalists who fled to Pakistan don't know how long they will stay.

RSF is one of several media rights groups that helped evacuate "a number of journalists to European countries," and which provides financial support to at-risk Afghans, Ades-Mevel said. Since the Taliban takeover, RSF has helped relocate more than 200 at-risk journalists and assisted in the cases of around 150 others.

Ades-Mevel said RSF is in contact with Afghan journalists in Pakistan and other countries and is working with host countries. "There are hundreds of journalists, and RSF alone cannot cover them all, but we are doing everything we can to support them," she said.

Habibi said he and many other Afghan journalists want to be relocated to third countries.

"We want to go to a place where our children would have a future," he said. » Source: Voice of America (VOA), After Fleeing Taliban, Afghan Journalists Find Visa, Money Woes, 4 novembre 2022: www.voanews.com/a/after-fleeing-taliban-afghan-journalists-find-visa-money-woes/6820759.html.

VOA, 3 juin 2022 :

« A new United Nations-supported survey has concluded that 1.3 million Afghan refugees are residing in neighboring Pakistan, about 100,000 fewer than the figure officially used until now.

An official statement said Friday the government had completed the survey, officially known as the Documentation Renewal and Information Verification Exercise (DRIVE), with the help of the U.N. refugee agency.

Officials explaining the revised figures said that some Afghan families either did not seek to renew refugee status for unknown reasons, or might have simply returned to Afghanistan.

"The data of Afghans was not updated in the last 10 years, therefore it was imperative to verify and update records which will enable us to better understand existing needs in the refugee communities," said Saleem Khan, the chief commissioner for Afghan refugees in Pakistan.

As part of the verification exercise, documenters gave so-called smart identity cards to close to one million Afghans. Officials said the cards, which are valid until June 30th of

next year, are meant to protect and safeguard the displaced population's interests as legitimate refugees in Pakistan, enabling them to access humanitarian aid and other benefits.

"They provide proof of identity, entitlement to temporary stay in Pakistan, and freedom of movement. They facilitate access to certain essential services, including education, healthcare, banking, property rental and allied facilities," explained Noriko Yoshida, UN-HCR's representative to Pakistan.

The survey found that more than half of the 1.3 million registered Afghan refugees reside in the northwestern border province of Khyber Pakhtunkhwa.

The DRIVE exercise found that more than half (52%) of the registered refugee population are children, including 197,428 (15%) being four years of age or under. Only 4% of those registered are 60 years of age or older. Women, children and older people represent 76% of the population, according to the statement.

The exercise also allowed for the registration of some 267,000 newborn children of registered Afghan refugees, describing it as an important step for the protection of the youngest members of the refugee community.

*The survey, officials said, would facilitate support for those refugees who decide to return home when conditions in Afghanistan allow. **The smart cards, meanwhile, allow Afghans to open accounts in Pakistani banks and receive remittances from relatives working in Persian Gulf and Western countries to meet their economic needs. [...]***

Pakistani officials report more than 300,000 Afghans have entered Pakistan since the Taliban takeover. Around 100,000 of them arrived on valid visas while the rest crossed over the border illegally.

Islamabad refuses to treat these Afghans as refugees and wants them to leave Pakistan, saying the country already hosts one of world's largest and oldest refugee populations and its troubled economy cannot sustain the pressure of new refugees.

The U.N. has repeatedly warned that humanitarian conditions have worsened in Afghanistan since the Taliban takeover and financial sanctions on Kabul have pushed the country's war-hit national economy to the brink of collapse. » Source: Voice of America (VOA), UN-supported Survey Finds Pakistan Hosts 1.3 Million Afghan Refugees, 3 juin 2022: www.voanews.com/a/un-supported-survey-finds-pakistan-hosts-1-3-million-afghan-refugees/6601952.html.

L'Organisation suisse d'aide aux réfugiés OSAR est l'association faîtière nationale des organisations suisses d'aide aux réfugiés. Neutre sur le plan politique et confessionnel, elle s'engage pour que la Suisse respecte ses engagements en matière de protection contre les persécutions conformément à la Convention de Genève relative au statut des réfugiés. Les activités de l'OSAR sont financées par des mandats de la Confédération et par des dons de particuliers, de fondations, de communes et de cantons.

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