More space for positive discourse on the ways in which Afghans contribute towards Pakistani society should be created. For example, the Citizens Archive Project in Karachi records the oral histories of migrants in Pakistan; it currently focuses only on migrations that took place during Pakistan’s Partition and Independence but could be encouraged to make space for Afghan oral histories.¹

Continued education for government actors (including local courts), civil society actors and the Pakistani police and security forces on the legal rights of Afghans in Pakistan should be promoted by the Government of Pakistan and UNHCR. And legal aid for Afghans should continue to be promoted by UNHCR implementing partners in areas with high Afghan populations.

In the longer term, the Government of Pakistan should be encouraged to recognise what is already a reality in Pakistan: that millions of ‘non-nationals’ are an integral and long-term part of Pakistan. Given that the majority of Afghans who remain in Pakistan today are unlikely to return to Afghanistan, the government should consider introducing an amnesty scheme which would allow Afghans to become legal citizens of the state, thereby allowing the state to better govern a sizeable population that is de facto a part of the state as well as providing this population with full rights and protection. If not this, then, at the very least, Afghans should be provided with long-term work and/or residency permits that are not as ad hoc and unpredictable as the current Afghan registration card which requires frequent renewal that is not always guaranteed and is often delayed. Afghans are an integral and long-term part of Pakistan. This must now be recognised in law.

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This paper is based on fieldwork conducted in Karachi and Peshawar since 2010.

1. www.citizensarchive.org/oral-history-project/

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**Returning from Iran**

Armando Geller and Maciej M Latek

Understanding the factors that have an impact on refugee decision making about return and people’s ability to reintegrate following return is critical in planning appropriate pre- and post-return programmes for Afghan refugees in Iran.

While the key factors impeding return are well understood (security, economic opportunities and access to housing and basic services), there remain significant knowledge gaps relating to many social and personal aspects of the return and reintegration stages of the displacement cycle for Afghan refugees. Improved understanding in this area could inform cross-border programming options in order to better equip Afghan refugees – who may have spent many years in exile – with the necessary skills and knowledge for successful return and reintegration.

Research in late 2013 for the Norwegian Refugee Council provides clear indications that many recent returnees from Iran find that the challenges to their reintegration in Afghanistan are compounded by two key pre-return circumstances: 1) the weak social and economic ties they retained to their *watan* (home country) and 2) the inability to make reasonably well-informed decisions about return.¹

**The emergence of negative push factors**

Cross-border kinship, friendship and business networks are often thought of as primary linkages between Afghan populations in Iran and Afghanistan.² Our interviews in the high-return areas of Balkh and Sar-e Pol suggest, however, that the function and power
of these networks have waned since the last major wave of returns to Afghanistan in the mid 2000s. Fewer Afghan households in Iran appear to have assets in Afghanistan, or can afford to send remittances to Afghanistan, because of steep devaluation of the Iranian rial against the US dollar as a result of hyperinflation and and recession in Iran.

Refugee life in Iran is complex, with an ever more stringent bureaucracy and frequently changing regulations. For example, the creation since 2008 of No-Go Areas (NGAs) in Iran – locations that suddenly become off limits to refugees on grounds of national security, public interest or health – make it more difficult to retain a job, maintain social ties, send children to school and afford housing. Compounded by dwindling purchasing power for food and other necessities, these pressures compel most returnee households to replace a planned choice to return with a sudden decision born out of frustration and psychological weariness.

Once they are back in Afghanistan, returnees realise that, after being away for anything from seven to thirty years, they have been largely excluded from the kinship, business and patronage relations that have emerged in Afghanistan in the past decade. For example, returnees report that they cannot secure jobs through kin or friends, because they do not belong to a patronage network with access to resources. Not only does this make their new lives economically untenable but it also triggers many signs of identity crisis among returnees. They used to be foreigners struggling to establish roots in Iranian society; now they are strangers in their own country, struggling to revive frail social relations that neither pay material dividends nor offer protection.

Against this background most refugees do not seem to be able to make a deliberate, planned decision about return. There is evidence from our interview data that the story of returning is often an ill-understood mix of coercion, a motivating event, hope and exhaustion. Our analysis suggests:

- While refugees in Iran with and without Amayesh cards (granting residency rights) live in different worlds (i.e. legally versus illegally, with all the differences in vulnerability and opportunities that that entails), their returns are equally arduous. Return preparations are minimal, and mentions of post-return insecurity and livelihood challenges are prevalent in return narratives.

- While returning appears to be a relief from a tiring and degrading existence as a refugee in a country where they are at the mercy of a government determined to send them back home, returnees yearn for the security and work they enjoyed in Iran.

Informed decisions or calculated risk?
Despite life in Iran being difficult, with discrimination and harassment common features of daily life, Afghan refugees seem to view it as ‘manageable’. There is security, work is relatively easy to find, and there are options to access health care and education. By contrast, life in Afghanistan seems to be characterised by an inability to manage. Life in Afghanistan is insecure and economically untenable; basic household needs remain unmet. Refugees need to re-establish and strengthen kinship and social ties; integrate into patronage networks to find jobs; and re-learn the Afghan way of doing things with a dilapidated infrastructure and a weak government.

Paradoxically, while material life is ‘manageable’ in Iran, psychologically it seems taxing to the point of paralysing refugees’ ability to make important decisions. Refugees have to learn how to navigate a society with a functioning bureaucracy, infrastructure and social services, all geared towards repatriating them to their homeland. And while material life is exceedingly difficult in Afghanistan, returnees seem to place a premium on kinship and social ties and may find solace in the fact that the Afghan government does not discriminate in its ineptitude and corruption.
Afghan refugees’ mental state in Iran and their decision making around return to Afghanistan are intricately bound up with each other. The former bears the signs of an identity crisis while the latter comes close to decision paralysis due to the sheer difficulty of the task.

While only indicative, preliminary research findings suggest that the functioning of cross-border linkages should be re-examined. Remittances, cross-border traffic, kinship, friendship and business networks and refugees’ perceptions of future life in the watan all merit further investigation. Understanding why most returnees do not seem to have retained useful social and economic ties to their homeland and addressing cross-border programming approaches to strengthen these ties could enable Afghan refugees both to make reasonably well-informed decisions about return and to improve their prospects of sustainable reintegration.

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1. Research involved collecting data from recent returnees to Balkh and Sar-e Pol provinces in Afghanistan, and building demographic, economic and vulnerability profiles of the Afghan population in the high refugee-hosting province of Kerman in Iran, through an innovative mix of data fusion techniques and social simulation.

Protection for disabled persons in Afghanistan

Andreas Dimopoulos

In 2013, a severely disabled Afghan asylum seeker was returned to Afghanistan from the UK. He had claimed that the lack of adequate social care in Afghanistan for persons with disabilities would be severe enough to constitute inhuman or degrading treatment under Article 3 of the European Convention on Human Rights (ECHR). However, as Afghanistan has a National Disability Action Plan1 and the applicant has some family in Afghanistan, the Court of the ECHR was not satisfied that a claim of risk of inhuman or degrading treatment could be raised.2

In another recent case – Szilvia Nyusti, Péter Takács and Tamás Fazekas v Hungary3 – the applicants had severe visual impairments. They were unable to use the ATMs of their bank in Afghanistan without assistance and the Committee on the Rights of Persons with Disabilities held that lack of accessibility for persons with visual impairments to the bank’s ATMs amounted to a failure of the state to comply with its obligations under Article 9 of the Convention on the Rights of Persons with Disabilities. The Committee recommended that Afghanistan create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring and assessing the gradual modification and adjustment by private financial institutions of previously inaccessible banking services.

A survey conducted by Handicap International in 2005 in Afghanistan indicated that one in five households in Afghanistan included a person with a disability. Years of conflict – including the indiscriminate use of mines4 – and an inadequate infrastructure have generated high numbers of people with disabilities who struggle to access health care, rehabilitation services, education and employment. In such a context, decision-makers on asylum claims need to specifically address the concerns of disabled asylum seekers from Afghanistan and their prospects if returned. As the Committee notes, even though accessibility can only be implemented gradually, states parties should set definite, fixed time-frames for implementation and allocate adequate resources for the removal of existing barriers. To the extent that this is not happening in Afghanistan, claims of inhuman or degrading treatment may still be convincingly put forward.

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2. SHH v. UK http://tinyurl.com/SHHvUK
4. Afghanistan is one of the most mine-contaminated countries in the world.