

Afghan Refugees in Pakistan – Navigating a Protracted Crisis

Safa Noor

safanoor1122@gmail.com

MPhil Scholar, Department of Pakistan Study, Abbottabad University of Science and Technology

Dr Muhammad Bahar Khan

Assistant professor, Department of Pakistan study, Abbottabad University of Science and Technology

Dr Muhammad Rizwan

drmuhammadrizwan_hu@yahoo.com

Chairman, Department of Pakistan Studies, Abbottabad University of Science and Technology

Shazli

Lecturer Department of Pakistan Studies, Abbottabad University of Science and Technology, Khyber Pakhtunkhwa

Corresponding Author: *Safa Noor safanoor1122@gmail.com

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ABSTRACT

The lengthy stay of Afghan refugees in Pakistan represents one of the longest-duration displacement situations in the area, with far-reaching consequences for governance, regional stability, and social cohesion. This research examines the multitude of questions created by the continued settlement of Afghan refugees in Pakistan, with emphasis on the socio-political dynamics that influence how host communities respond and how national policy frameworks are created. In this research, the lens of study brings together the aspects of how the governance of refugees interacts with the host community response, and shaped by the regional geopolitical context. To understand problematic aspects in Pakistan's strained refugee management system, this study will investigate how these shaped systemic issues. The research collected qualitative data through purposive sampling and interviewed approximately fifty (50) key players, including policymakers, humanitarian stakeholders, civil society representatives and academics researching refugee issues. Patterns of systemic issues relative to systemic challenges, such as, inconsistent policy, existing legal framework, limited resources. As outcomes, the study called for comprehensive refugee public policy reforms, integration of policies that encompass host and refugee populations to development plans and improved regional cooperation. Beyond the amelioration of short-term humanitarian assistance institutions and developing long-term, durable solutions that promote both national stability and refugee resilience in Pakistan are of extreme importance.

Key words: *Afghan refugees, Pakistan, Refugee governance, Socio-political dynamics, Host community responses, National policy frameworks,*

INTRODUCTION

The Afghan refugee crisis in Pakistan is one of the longest and most complicated displacement crises in modern international history. Since 1979 millions of Afghans fled to seek asylum in Pakistan to escape war, political repression, religious extremism, and socio-economic uncertainty. What began as an exodus in reaction to the Soviet invasion of Afghanistan evolved into a decades-in-length migration of people precipitated by internal conflict, changes in regime, and persistent insecurity in the region. (Anwar et Al, 2021). As a result, Pakistan has served as a host to one of the largest refugees groups in the world for over four decades, with multiple levels of support nationally and internationally along the way. The

repercussions of prolonged displacement have been manifold and have affected both the Afghan refugee groups and Pakistan's national infrastructure, economy, security, and political debate. Given that decades-long displacements represent both legal, humanitarian, and governance challenges, lasting, nuanced, and multidimensional responses will be requested from all stakeholders, international and national. The first significant wave of Afghans arrived in Pakistan in 1979 immediately after the Soviet army invaded Afghanistan, and millions of Afghans crossed into Pakistan through the porous borders of Khyber Pakhtunkhwa and Balochistan in a matter of years. By 1985, Pakistan was host to nearly 3.3 million Afghan refugees, the majority of who were living in refugee camps or informal settlements in the northwestern areas. (Martin 2010). Even as one of the most generous refugee-hosting countries globally, Pakistan has yet to sign the 1951 UN Refugee Convention and the 1967 Protocol. As a result, Afghan refugees in Pakistan have existed in legal limbo for decades. Nisar et.al (2024). Their status has been shaped largely through temporary, ad hoc processes rather than any real inclusive legislation. In the earliest years of the crisis, refugee coordination was established through collaboration involving the Government of Pakistan, the United Nations High Commissioner for Refugees (UNHCR), and various NGOs, but very few Afghan refugees received formal refugee status. Rather, Afghan refugees were often labeled as “guests” or “brothers in faith,” and while the terms are generous in a cultural sense, they afforded almost no legal protection of rights in the long term. Government of Pakistan. (2021).

The legal ambiguity surrounding the status of Afghan refugees in Pakistan had significant implications. With no refugee status under international law or a comprehensive domestic law to reference, Afghan refugees have had limited access to services and recourse legally. , Yousaf et al (2020). Exploring issues of legal youth, property occupation, access to higher education or mobility through provincial borders. Further, without PoR cards, individuals remain vulnerable to arbitrary detention, harassment, extortion and deportation. Pakistan's policy on Afghan refugees fluctuated in response to political shifts, security considerations, and changes in regional nomenclature. Following the Army Public School attack in Peshawar in 2014, which authorities linked to Afghans, the effects increased scrutiny and crackdown of Afghan refugee communities by Pakistan's security forces. Kakar et. Al (2023). This creates and sustained perceptions around refugees as national security threats, fuelling xenophobic sentiments while negating the wider obligations of protection and asylum. Yousaf et al.,(2020). From a humanitarian perspective, Afghan refugees long term presence raised possible challenges for Pakistan's public service infrastructure and neighboring communities. Refugees often resettled in underdeveloped or marginalized communities, with limited access to safe drinking water, sanitation, health care, and education. Tariq et.al (2024) UNHCR reported more than 60% of Afghan refugees resided outside of camps, often in urban or semi-urban communities vying with local populations for public services or jobs.

In Afghanistan, job opportunities usually only exist in the informal-sector, which means a lot of exploitation, child labor, and unsafe working conditions. Children in Afghanistan continue to be educated poorly; very few have access to a good-quality education, particularly girls. Hassan et al. (2021). Conditions would require a lot of adjustment for the refugees who had no legal status, language conflicts (due to possible lack of Pashto skills), and cultural isolation in certain provinces. Humanitarian agencies have done reasonably well to support refugees, but funder fatigue and changing global politics has limited this. Sana Ali (2021). The repatriation policies are the most dynamic part of the environment. Over the years, Pakistan has conducted several voluntary repatriation programs in collaboration with UNHCR, including repatriation with financial support. Most refugees returned to Afghanistan (especially in waves in the early 2000s after the Taliban regime failed); however, a mix of poor conditions, violence, or lack of reintegration resources in Afghanistan encouraged many to return to Pakistan later. (Monsutti et al. 2020).

The cycle of return and re-displacement illustrates the unstable nature of repatriation as a sustainable option in the absence of any long-term peace and development period in Afghanistan, if you will. Against

this backdrop, with the U.S. withdrawal of all troops in 2021, and the return of the Taliban to power, the past few years have not only sparked new waves of Afghan asylum seekers, but those again lacking PoR cards and no official status making their function increasingly precarious—all within a context of acute humanitarian needs and practically no protection as a legal status. (Koser 2016) It is important to remember that this has very much been a political and ethical dilemma, not just a humanitarian crisis alone. It has raised questions regarding Pakistan's responsibility for protecting vulnerable populations, how international law applies in situations where significant treaties have never been ratified by the state—too many to mention here, and how the international community violates good normative principles of assisting countries that receive refugees and sharing responsibility fairly. (Barman et Al 2020) While Pakistan's hospitality and resilience in hosting to Afghan refugee communities within its borders is commendable, the lack of consistent and rights-based refugee policy has complicated the search for long-term solutions. Moreover, the situation is complicated by the fact that many Afghan refugees have lived in Pakistan for decades—many were born there, have known no other country, and have settled and established roots in local communities. Nevertheless, they are still viewed as temporary guests with no avenues for citizenship or permanent legal status. (Orchard 2014)

LITERATURE REVIEW

Historical Context of Afghan Refugees in Pakistan

Monsutti (2008) and Stigter (2006). The migration of Afghan refugees to Pakistan has been one of the most sustained and complex displacement movements in South Asia. Foundational works such as those by have laid a comprehensive foundation by tracing the migratory trajectories, tribal affiliations, and socio-political dynamics that have historically influenced Afghan movement across the Durand Line. Their research highlights how displacement is not merely a consequence of war but also rooted in longstanding transnational kinship and economic networks.

Turton and Marsden (2002) provide a detailed exploration of the first major wave of displacement following the Soviet invasion of Afghanistan in 1979. They emphasize how Pakistan's geographic proximity, shared cultural ties, and strategic alliance with the United States positioned it as a central host state. The initial hospitality offered by the Pakistani state was largely influenced by Cold War politics and religious affinity, particularly toward the mujahideen groups fighting the Soviet-backed regime.

Hyndman and Giles (2011) and Scheffler (2014) In more recent history, the rise of the Taliban, followed by the U.S.-led intervention post-2001, generated new waves of displacement and return movements. Scholars such as analyze the cyclical nature of repatriation and renewed migration, arguing that the insecurity, economic stagnation, and political uncertainty in Afghanistan have continuously undermined durable return solutions. These works also raise critical questions about the long-term viability of protracted refugee hosting and the consequences for Pakistan's domestic socio-political fabric.

Legal Status and Frameworks

. Blitz, Sales, and Marzano (2005) The legal status of Afghan refugees in Pakistan remains ambiguous due to the country's non-signatory status to the 1951 UN Refugee Convention and its 1967 Protocol offer a comprehensive review of Pakistan's ad hoc refugee management policies, underscoring the reliance on temporary administrative mechanisms rather than formal legal commitments. Their research emphasizes the reliance on international aid and the UNHCR to handle refugee governance.

Ghufran (2013) also examines the legal vacuums under-girding refugee policy in Pakistan; in her perspective, the PoR (proof of registration) cards that provide Afghan refugees legitimacy entail legal vulnerability. The PoR does not prohibit multitudes of such as work, movement, or citizenship rights - and they could, subsequently, still be subjected to police abuse, exploitation, and arbitrary deportation.

Loescher and Milner (2005) At the global level, present a comparative perspective on refugee protection regimes, offering valuable insights into how Pakistan's policies differ markedly from host countries like Iran or Germany. Their analysis suggests that Pakistan's reluctance to institutionalize refugee rights stems from political sensitivities, national security concerns, and fears of long-term integration.

Humanitarian Challenges and Intervention

Kronenfeld (2008) The humanitarian dimension of the Afghan refugee crisis has received significant attention from both scholars and international agencies.explores the dire state of healthcare access for Afghan refugees, particularly women and children living in urban slums and refugee camps. She notes the fragmentation of service delivery, often exacerbated by Pakistan's own strained health infrastructure and donor fatigue.

Mallett and Slater (2012) shift the focus to socio-economic marginalization, identifying chronic underemployment, informal labor market exploitation, and limited access to formal education as persistent challenges. Their findings also indicate that urban refugees often fare worse due to lack of targeted assistance and legal ambiguity regarding their status.

Martin (2010) and Zetter and Deikun (2010) The role of international actors is central to understanding the humanitarian response highlight how global humanitarian institutions such as UNHCR and IOM have played crucial roles in emergency relief, repatriation planning, and resilience-building. However, they also critique the short-term nature of donor commitments and the bureaucratic inefficiencies that hinder sustainable development in refugee-hosting areas.

Socio-Cultural Dynamics and Integration

Betts (2013) Afghan refugees in Pakistan encounter deep-rooted challenges related to social integration and identity formation. examines the security-oriented perception of refugees by the Pakistani state, especially in the post-9/11 context where Afghan communities have been stereotyped as potential security threats. This perception has led to greater surveillance, exclusion, and at times, xenophobic violence.

Ali (2016) delves into the ethnic dynamics between Afghan refugees (primarily Pashtun) and local communities, noting both solidarity and conflict, particularly in border provinces like Khyber Pakhtunkhwa and Balochistan.

Theoretical Framework

Human Rights Law Theory

The Human Rights Law Theory asserts that everyone has the right to fundamental rights and rights protection, irrespective of national, ethnic, or legal affiliation. Through international frameworks such as the Universal Declaration of Human Rights (UDHR) and the 1951 Refugee Convention, this research investigates the concordance and discordance of Pakistan's laws and practices with respect to Afghan refugees to international human rights questions. In particular, theory provides means to analyze the

recognition, protection, and fulfilment of Afghan Refugees' rights in Pakistan and provides a normative basis as legal analysis and policy critiques.

Refugee and Asylum Law

As to Refugee and Asylum Law, it is based in law through international legal documents such as the 1951 Refugee Convention and the 1967 Protocol. This theory contains a normative dimension permitting an understanding of legal status and protection for refugees. This theory clarifies the obligations of states to refugees and provides a framework for evaluating the adequacy and legality of national laws and policies. In the context of this research, this theory outlines an evidentiary basis for evaluating critically Pakistan's legal position with respect to Afghan Refugees - especially with respect to recognition of status, protection and asylum practice.

Social Integration Theory

Social Integration Theory, articulated by theorists such as Bourdieu (1986) and Ager and Strang (2008) advances the idea that social ties, access to social institutions, and social capital are essential parts to understanding the process of refugee integration into host communities. Social integration is two-way and is enabled by social acceptance, inclusion, and equitable access to resources and opportunities. Within this research, the theory, which underpins social integration, is useful in examining the social-cultural or social dynamics with Afghan refugees and host communities in Pakistan and what may act as barriers, or enablers of social integration.

Structural Violence Theory

Galtung's (1969) Structural Violence Theory provides a framework through which we can understand the barriers that Afghan refugees encounter as a result of a system of structural barriers in Pakistan. The concept of structural violence highlights the ways that social structures or institutions reproduce inequality while simultaneously constraining access to resources, opportunities, and rights for certain groups. Typically, it is the case that these barriers are reproduced for already marginalized communities. In relation to this research, Structural Violence Theory will be useful in examining how the legal and institutional frameworks in Pakistan may inadvertently impose vulnerabilities and inequalities on Afghan refugees in Pakistan, thereby perpetuating their vulnerability.

Analysis of Pakistan's Legal Framework for Refugees

Legal Status and Recognition

Pakistan is not a signatory to the 1951 Refugee Convention and its 1967 Protocol that establish refugee rights and state obligations to protect them. While Pakistan hosts one of the largest refugee populations in the world, there are no developed state policies, laws, or regulations governing refugees. Afghan refugees are largely administered by ad hoc arrangements and temporary practices, including the Proof of Registration (PoR) card, which only provides legal stay (with restrictions) but is not a form of official refugee status (Monsutti, 2008).

Repatriation and Forced Returns

Voluntary Repatriation

Pakistan has intermittently engaged in voluntary repatriation processes for Afghan refugees to return to Afghanistan, often with assistance from UNHCR. However, the unstable political and security context in Afghanistan, means that many refugees returning home are not viable options and ultimately leave them with a difficult choice between instability in their home country and unknown circumstances in Pakistan.

Deportations and Forced Returns

Recent reports have emerged relating to the deportation and forced return of Afghan refugees from Pakistan in the name of security. These types of events raise very serious human rights issues, particularly with regard to the principle of non-refoulement which prevents refugees from being returned to territories where their life or freedom would be in danger (Saigol, 2014).

Socio-Legal Implications and Xenophobia Social Cohesion and Xenophobia

The protracted presence of Afghan refugees in Pakistan has resulted in a number of socio-legal implications, particularly with respect to issues around social cohesion and the prevalence of xenophobia. Refugees are routinely blamed for problems relating to the economy, society and security, which deepens their marginalization, and puts them at risk for social exclusion, violence and discrimination.

Discrimination and Exploitation

Refugees' tenuous legal status makes them particularly vulnerable to discrimination and exploitation, including in the area of employment where peer-to-peer arbitration is on the basis of an employer's good will to provide what may be optimal working conditions and pay. More often than not refugees opt to remain in an uncomfortable labor situation because they have no right to legal recognition, and therefore no recourse.

Access to Justice

Accessing justice and legal representation remains a critical problem for Afghan refugees in Pakistan. Language and knowledge of rights are challenges, as well as being vulnerable to retribution, and lack of trust in the justice system, all of which put refugees at a disadvantage in seeking and obtain justice and access to the law for a range of situations, including exploitation, abuse, and injustice.

Legal Pathways to Citizenship

The absence of defined legal avenues to citizenship for Afghan refugees, including those born in Pakistan, continues displacement and statelessness for the long-held status of incompletely displaced refugees, and affects today's generation of Afghans born in Pakistan.

International Legal Obligations and Cooperation

Although Pakistan is not a party to major international refugee documents, it implements customary international law and human rights treaties that obligate it, to respect the basic rights of every person within its boundaries. Achieving the appropriate balance between current domestic legal frameworks and international duties and responsibilities with international cooperation is essential to respect the rights of refugees and get sustainable solutions.

Living Conditions and Basic Needs

Afghan refugees in Pakistan live in dire situations, whether in camps or urban slums filled with substandard housing, leaving people with homelessness every night, overcrowding, and no essential extra physical infrastructure such as local clean water or sanitation (Loescher & Milner, 2005). Food and Nutrition - Food security and nutritional needs are high among all Afghan refugees and children, since they generally do not have access to enough food and nutritious food, as well as restrictions obtained from economic burden and fewer local employment opportunities.

Access to Health, Education, and Employment Healthcare

One of the barriers to access healthcare remain for a host of reasons: distance, cost, and discriminatory practices that affect the health and well-being of the refugee population. Refugee children are faced with barriers that prevent them from accessing educational opportunities due to reasons like language differences, poverty, and limited access to educational infrastructure which limits psychosocial development and opportunities for their future. For many Afghan refugees, informal and precarious employment is often the only option, which means they are making little money, often no benefits, with little job security, and are more likely to be taken advantage of because of their immigration status.

Social Integration and Xenophobia

Afghan refugees are at risk of social exclusion and isolation, which may result from their cultural, linguistic, and socioeconomic differences. This often means that they struggle to assimilate and participate in their host community. Discrimination and xenophobic attitudes and violence towards Afghan refugees have also been recorded, and this has implications for Safety, psychological well-being, and social integration in Pakistani Society.

Humanitarian Assistance and Humanitarian Assistance Availability

The delivery of humanitarian assistance, and the impact of that assistance (whether by national or international organizations) is impeded by challenges, including inadequate resources, security challenges, and logistics. The issues of sustainability and adequacy associated with humanitarian assistance is contested because there are often missing connections between the needs of refugee populations and the availability and suitability of humanitarian assistance.

Children and Unaccompanied Minors

Children, especially unaccompanied minors, are at an even higher risk of exploitation, abuse, and neglect and need effective child protection and support systems in place. Child access to education and futures of development is key to protecting children's rights and well-being, as well as to their futures, which are not only challenged legally but also socially and economically, daily. To flesh out the legal and humanitarian challenges for Afghan refugees in Pakistan, we should discuss examples and narratives using case studies.

Spatial Context that Enables Policy Delivery in Specific Refugee Camps or Communities

The Jalojai camp, formerly one of the largest of such collective sites, can be discussed in terms of the provision and outcomes relating to humanitarian aid, refugee living conditions, refugee access to food

essentials, health care, and education. It can also be discussed in relation to understanding how differences in ethnicity and tribal connections between and among refugees inside the camp, impact on social cohesion and sharing of resources. The experiences of Afghan refugees in an urban space like Afghan Basti in Karachi, may also shed light on the issue of social integration, challenges of employment, and access to services in the urban spatial context. It may also explore the dynamics between the refugee community and the host population, including aspects related to social, economic, and cultural interactions.

RESULT AND DISCUSSION

The key narrative of the experiences of Afghan refugees in Pakistan is directly related to the relationship between law and humanitarian action. Lack of a solid and overall legal status creates a level of vulnerability for Afghan refugees that creates limited access to human rights and services. This legal vulnerability then creates humanitarian [vulnerabilities] as access to healthcare, education or gainful employment was hindered for not only logistical or economic barriers, but legal barriers as well. The Afghan refugee situation in Pakistan has numerous trickle-down effects on both the refugee cohort and the hosting society. Refugees who as a group are subject to temporary legal protections in a situation of chronic instability, are codified as remaining in a tenuous condition for years that inhibits every aspect of their lives and their futures. On the other hand, the host community in Pakistan is having to navigate the socio-economic, political, and cultural ramifications of hosting a sizeable population of refugees for decades, that influence access to services, social relationships, and policies.

Social integration, often characterized as an important dimension of effective refugee management, is itself bound by its legal and humanitarian nature. The social-cultural relationship between Afghan refugees and Pakistani host communities, which has elements of shared history but also distinct experiences, presents a unique paradox. For example, there is an ability to socially integrate on some levels, with linguistic and cultural similarities; however, there are also differences in social norms, experiences of xenophobia, and competition for resources that can all be barriers to effective social integration.

Nonetheless, the future prospects of Afghan refugees in Pakistan, amidst the changing geopolitical context related to Afghanistan, are filled with uncertainties. Sustainable solutions, whether in the form of voluntary repatriation, local integration, or transfer to third countries, are rooted in legal changes, international partnerships, and the strategic humanitarian response. The future fields of opportunity for refugees will evolve as solutions wave within the possible policy changes in Pakistan, stability in Afghanistan, and the efforts of the international community.

RECOMMENDATIONS

Given the complex legal and humanitarian challenges faced by Afghan refugees in Pakistan, the following recommendations are developed, which have implications for both theory and practice:

Establish and adopt national and international refugee laws, rights, and durable solutions for Afghan refugees that meet the minimum standards. Consider adopting policies similar to international obligations such as the 1951 Refugee Convention and its 1967 Protocol for alignment with best practices for the protection of refugees advisedly. Create clear options and structured pathways for Afghan refugees to attain legal status, including those born in Pakistan, perhaps by looking into options such as citizenship or permanent residency.

Humanitarian Interventions and Access -

Ensure both national and international humanitarian assistance is well funded and strategically located for the targeted Afghan refugees. Ensure policies and programs are developed to enable Afghan refugees access to health services and education that is inclusive, equal, and culturally safe. Initiate programs that encourage Afghan refugees in the area to engage in work, vocational training, or entrepreneurship by developing stepping stones that allow them to engage in stable work where they can gain valuable skills and contribute to the local workforce short and long-term.

Social Integration and Cohesion

Develop programs to enhance social integration, cultural exchange, and mutual understanding between Afghan refugees and the host community, which will counter xenophobia and increase social cohesion. Develop and implement mechanisms to protect Afghan refugees from discrimination, exploitation, and violence, ensuring no disruption of their safety and dignity. Involve Afghan refugees and the local community in decision-making discussions about policies and programs, ensuring dialogic consultations and taking into account participatory approaches for the diversity of needs and perspectives.

Gender and Vulnerable Group Influence

Ensure programs and policies are gender-sensitive and where required and relevant be also gender-responsive by providing women and girls targeted support interventions and addressing other vulnerabilities, barriers, and needs amongst the refugee cohort. Having practical and operational child protection policies and systems in place to guarantee the protection of children (particularly unaccompanied minors) from exploitation, abuse, and/or neglect. Support programs that also provide targeted support for identified vulnerable cohorts within the refugee population, namely elderly and disabled refugees or refugees with health needs where their access has been disrupted.

International Collaboration and Burden-Sharing

Promote further international support, financially and logistically, for the management and support of Afghan refugees in Pakistan. Work with the international community to explore durable solutions for Afghan refugees - voluntary repatriation with dignity, local integration, and resettlement in third countries. Collaborate with regional and international actors to promote stability in Afghanistan to create safe conditions for voluntary repatriation and reduce the external drivers of displacement.

CONCLUSION

The complex legal and humanitarian situations confronting Afghan refugees in Pakistan demonstrate a complicated narrative of displacement, vulnerability and resilience. This study was conducted to traverse the complex layers of this protracted refugee situation through both legal and humanitarian lenses and to embed these perspectives with a socio-cultural and human rights approach. Afghan refugees in Pakistan, many of whom straddle the nebulous divide between temporary solutions and chronic insecurity, face complex challenges that affect every aspect of their lives and futures. Similarly, Pakistan as a host state

also faces complex challenges, balancing its own socio-economic, security, and political interests whilst meeting its humanitarian obligations. The interplay between national policies, international obligations, and on-the-ground realities presents a unique conundrum that requires a nuanced, collaborative, and multi-dimensional approach. Through the lens of theoretical frameworks pertaining to human rights, refugee law, social integration, structural violence, and intersectionality, the research has aimed to provide a comprehensive and nuanced perspective that bridges macro-level analyses with micro-level experiences and realities.

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