**Citizenship for Afghan refugees**

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Prime Minister Imran Khan has announced his intention to give Pakistani citizenship to people originally from Bangladesh and Afghanistan who were either born in, or have been living in, Pakistan for decades.

Awarding birthright citizenship is very much in keeping with both the brand of compassion that PM Khan is establishing for himself, and Pakistan’s overarching culture of dignity and generosity towards those that sought refuge in our country. No refugee community in the world has enjoyed a longer and more extensive stay in a country than Afghan refugees have in Pakistan. A deeper examination of the implications of the prime minister’s announcement is therefore merited.

As Umer Gilani eloquently argued in this paper in October 2016, the citizenship status of Afghan refugees may not merely be a matter of Pakistani hospitality or generosity, but in fact a matter of the application of the law. The Pakistan Citizenship Act of 1951 stipulates a number of routes to Pakistani citizenship and, when viewed absent of any other considerations, it would seem that most Afghans in Pakistan would qualify for either birthright citizenship, or naturalisation, or marriage, or descent.

Sadly, as has been the case too often in these early days of PM Khan’s long-awaited ascent to the country’s highest office, it seems that this announcement of citizenship for Afghan origin individuals in Pakistan was made without the necessary homework that would produce the improved human condition that PM Khan seeks with such a decision. Is the award of citizenship to Afghan origin individuals the path to improved lives for these long-suffering fellow human beings?

First, a bit of historical perspective on Afghans in Pakistan. Afghan refugees first came to Pakistan in large numbers in 1979, after the Soviet Union invaded Afghanistan. When the Soviets retreated from Kabul, a wave of voluntary repatriations took place. But the conditions in post-Soviet Afghanistan were hardly conducive to their safe return. The early 1990s saw a constant state of civil war between the seven Mujahideen tanzeemaat; this warfare ended in 1996 when the Taliban took over most Afghan territory. Despite a dramatic improvement in security for ordinary Afghans, the Taliban era was one of exceptional poverty and absence of economic opportunity. This meant that a second wave of repatriations in the late 1990s also did not pan out as expected. For many Afghan refugees in Pakistan, both the first wave after the Soviet withdrawal and the second wave after the Taliban takeover offered only one lesson: Pakistan, despite the challenges of being a foreign country, was a better place to be an Afghan in than Afghanistan was.

Still, just like Pakistanis, Afghans are ever patriotic and ever optimistic. After the September 11, 2001 attacks the international community sought to free Afghanistan from Taliban rule, with support from Pakistan. For Afghan refugees, this began a third wave of repatriations. Between 2001 and 2005, millions of Afghans returned home to the promise of stability and security in their homeland. Sadly, this third wave ended the same way the previous two had. Once again, whether they came in 1979 or were born in Pakistan thereafter, the lesson for Afghans in Pakistan was to stay put in their new home.

Meanwhile, after a quarter century of serving as the staging ground for other countries’ battles in Afghanistan, Pakistan began to suffer the consequences of the absence of strategic coherence. The TTP began a process of terror that morphed the Pakistani predilection for hospitality into something less generous and more fearful. As terrorism came to define the national discourse by 2009, the Pakistani state’s posture toward Afghan refugees began to change too. This even though not been a single act of TTP terror has been tracked back to an Afghan refugee. For all the warmth and generosity the Pakistani state and society have afforded to Afghans since 1979, it is important to understand that there is likely no more well-integrated, grateful, law-abiding and productive refugee population in the world than Afghans in Pakistan.

For all these reasons, despite the extremely complex regional and local politics around Afghan refugees, Pakistan has worked closely with Afghanistan’s government and the UN (through the UNHCR) to enable a dignified and safe process of repatriation for refugees, for over three decades through a tripartite commission and since 2012 under a common framework (that includes Iran) called the Solutions Strategy for Afghan Refugees (SSAR).

PM Khan’s announcement of the award of citizenship to Afghans born in Pakistan to Afghan refugees will face several legal, technical, political and security-related challenges. And most of these will emanate from the existing framework, which has been negotiated over decades by three generations of Pakistani civil servants.

The ministry responsible for Afghan refugees is called the Ministry for States and Frontier Regions (SAFRON), with the line department responsible for executing Afghan refugee policy being the Chief Commissioner for Afghan Refugees (CCAR), who has four commissioners in each of the four provinces. To get a sense of the scale of the infrastructure that Pakistan established to deal with the challenges posed by hosting millions of our sisters and brothers from Afghanistan, consider this: at the height of the refugee crisis in the late 1980s, the total strength of just the commissioner for Afghan refugees in the then-NWFP province was over 16,000. The recent announcement to subsume SAFRON into the Ministry of Interior should be welcomed – but must be operationalised after due consideration of the complexities involved. PM Khan’s announcement has enhanced those complexities substantially.

Since 2005, the CCAR and SAFRON have worked closely with Nadra, which is part of the Ministry of Interior, on the world’s most extensive and detailed biometric registration exercise for any refugee population – anywhere, ever. Through Nadra’s exceptional professionalism, and with both UNHCR and Afghan government endorsement throughout, Pakistan has registered millions of Afghans that are officially classified as refugees (including as many as four in five that were either born in Pakistan or arrived here as minors). These Afghans have been given something called Proof of Registration (POR) cards. POR cardholders are entitled to stay in Pakistan as long as the cards are deemed valid. For the last several years, policy incoherence and overbearing security-sector involvement have made the determination of the duration of these cards into a sometimes comical, sometimes tragic process. The most recent extension was granted by the caretaker government for three months. It is up for another extension on September 30, 2018. When granted, it will be the eighth extension to the POR cards.

In addition to the POR cards, Pakistan undertook an additional exercise to identify and register foreigners without legal status through an exercise that ended in 2017. This process was meant to document Afghans that did not have refugee status under the tripartite agreement or subsequently the SSAR. Nearly 900,000 Afghans were awarded Afghan citizenship cards (ACC) – again through a three-way verification process that included Afghan officials from the embassy and consulates and UNHCR officials.

Political expediency in Pakistan has always worked both ways when it comes to Afghan refugees. The PkMAP and other Pakhtun-dominated political parties have always welcomed Afghans, not just as Afghans but as Pakistanis. Baloch nationalist parties have strongly resisted the absorption of Afghan refugees into mainstream Balochistan. The ethnic dynamic is less complicated in Khyber Pakhtunkhwa, but the complexity of land ownership, small and medium-sized businesses, private healthcare provision and a number of other economic and social push and pull factors combine to ensure that the award of citizenship to Afghan nationals will be a strongly contested policy decision.

Like in several other recent policy pronouncements by the PTI government, this too would have benefitted from deliberation, consultation and debate. The ultimate outcome for many of the still over two million Afghans living in Pakistan may well be full Pakistani citizenship, but how such a process is managed makes all the difference. Pakistanis should be celebrated the world over for our hospitality and warmth. But a lack of preparation and policy incoherence between various arms of the state keeps robbing Pakistan of the recognition due to it. PM Khan’s impulsive expression of compassion, whilst rooted in the right instinct, should have been moderated by better preparation.

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