

Necessitating the determination of the legal status of Afghans in Pakistan: an analysis

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Abstract

Afghan soil due to its strategic and geopolitical significance has witnessed numerous political turmoils creating an effective governance vacuum and transnational interferences costing the fate of the Afghan population. Massive Afghan movements were directed to Pakistan and Iran with the hope of evading the bitterness of traumatized living conditions in the native state. Only the situation of Afghans that Pakistan is housing is within the scope of the present study. This study aims to highlight the significance attached to the status determination of said community that has attracted little attention. Without an explicit and clear policy toward Afghans in Pakistan, uncertainty looms over their potential fate. Until and unless a certain status is accorded to them and they are brought into a certain legal net, they will continue to be employed as tools by the political actors. With underpinning the need to adopt a clear policy vis-à-vis the status of said Afghans the study finds that it will equally benefit Pakistan. The study opens room for future doctrinal legal research as to what are the potential legal classes these Afghans may belong to.

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1. Introduction

Afghan soil due to its strategic and geopolitical significance has witnessed numerous political turmoil creating an effective governance vacuum and transnational interferences costing the fate of the Afghan population (Hassan, 2009, p. 12). Regional cooperation from time to time allowed the movement of Afghans across borders. Yet not all border crossings were legitimized. For the first time, Pakistan hosted the estimated 3 million Afghans as refugees (UNHCR, 2022) after the 1978 Soviet invasion (Shah, 2000, p. 174). Several legal complications have arisen therefrom and one of them is the issue of the status of those Afghans whom Pakistan is hosting for ages and continuing so following the withdrawal of international powers. The consequences of continuing with a legal vacuum have not only cost the fate of millions of Afghans but have been prejudicial to the host state as well. Why is the status analysis significant and what are the repercussions of non-adoption of a clear-cut policy for housing Afghans is a matter of consideration of the present study. The discussion is based on the facts and statistics giving an overall view of the ground situation necessitating the policymakers to bring an end to the state of legal limbo in which Afghans and their successive generations in Pakistan live.

The current study is purely based on secondary research with the reliance made primarily on the reports, newspaper articles, opinion papers, besides other existing grey literature. Backing the analysis with the corroborative evidence the undertaking is novel of its kind as no formal research is entirely devoted to said area of research. The present study is limited to the impact that the lack of status determination is causing on the relevant stakeholders. Having said that the study opens room for future research devoted to the critical analysis of each of the categories to which these Afghans may belong to and thereby mapping out the viable solutions to fill in the gaps in the practice.

Massive Afghan movements were directed to Pakistan and Iran with a hope of evading the bitterness of traumatized living conditions in the native state. Only the situation of Afghans that Pakistan is housing is within the scope of present study. This study is an attempt to highlight the significance being attached of the status determination of said community that has attracted little attention. Without an explicit and a clear policy towards Afghans in Pakistan, the uncertainty looms as to the potential fate of them. Until and unless certain status is accorded to them and they are brought into a certain legal net, they will continue to be employed as tools by the political actors. With underpinning the need to adopt a clear policy vis-à-vis the status of said Afghans, the study opens room for future doctrinal legal research as to what are the potential legal classes these Afghans may belong to.

The study begins with the prevalent crises in Afghanistan indicating the standard of living of an ordinary person thereby highlighting the need to understand that repatriation 'solely' cannot be employed as a solution for it is short of being durable and long-lasting. The history of Afghan movements in and out of Pakistan is analysed with special focus on the narrative

changing vis-à-vis Afghans in the Pakistani society. The socio-economic concerns prevalent at the national level concerning Afghans are analysed on one hand while on the other, discovering the positive impact of Afghan presence in Pakistan has imparted particularly to the economic landscape of the host state. This impact analysis is further backed by the discussion on the repercussions that resulted from the repatriation of the skilled Afghan labour particularly in carpet-weaving and honey-bee sectors. The relevant events that occurred during the course of research are specifically included in the discourse. The study finds that notwithstanding the significance of the status analysis for the Afghans in Pakistan, the exercise of their legality will equally benefit the host state if the Afghan presence is properly channelized following the status analysis.

2. Literature review

The possible classes to which the Afghans in Pakistan may belong are either refugees, citizens, foreigners, illegal immigrants, or economic immigrants. Very few have been written and published on the proposed area so far. The existing literature is confined to a few journal articles that gave a few ancillary observations as to issues arising from the unclear status given to the Afghans in Pakistan. Much of the data specifically dealing with the proposed area of research is either in newspaper articles or official reports of international organizations. So, the proposed study is a kind of novel undertaking exclusively devoted to the matters incidental to the non-determination of legal status of such Afghans. Research closely related to the issue under consideration are critically evaluated hereinbelow thereby justifying the object of carrying out present research.

Qaisrani in a paper titled “bridging the gaps-migration management and policy options for Afghan Refugees in Pakistan” published by Friedrich Ebert Stiftung (FES), undertakes a mixture of doctrinal and non-doctrinal research with the major portion devoted to highlighting the policy gaps towards Afghan refugees and suggesting way forwards for Government of Pakistan, International Partners and European Union and other member states (Qaisrani, 2021). The article attempts to give a brief overall account of almost every possible aspect related to Afghan refugees in Pakistan. The paper is significant regarding the timing of its preparation for it took place following the takeover of Afghanistan by the Taliban in 2021. The article rightly highlights the high probability of Pakistan facing another wave of Afghan immigration against the backdrop of the recent dynamics in Afghanistan’s political regime. The lacuna, which is of prime concern for present paper viz, the looming uncertainty as to the status of Afghans in Pakistan (legal limbo) for lack of any binding international conventional obligations towards refugees and inability or unwillingness to enact a *lex specialis* for refugees particularly Afghans, the status of children born to Afghans in Pakistan and gross defilements of Pakistan Citizenship Act 1951 are pinpointed in the paper. In essence, the paper highlights the need of shifting the policy focus from repatriation to integration as a durable solution (Turton & Marsden, 2002, p. 41).

Hatam in the article titled “repatriation of Afghan refugees from Pakistan: A legal analysis” published in two issues of *Kardan Journal of Social Sciences and Humanities* based on the author’s LLM dissertation titled “non-refoulement and Pakistan's go-home attitude: A case study of Afghan refugees” comprehensively portrayed the developments that took place not only in Afghanistan but also the refugee patterns throughout the world (Hatam, 2009). As the title suggests the preferential shift between repatriation and resettlement is analysed. In essence, the scholar highlighted the need for the Government of Afghanistan in particular and UNHCR generally to rethink their pro-repatriation policy for the prevailing circumstances in Afghanistan suggests the push factors outweigh the pull factors. For any coerced return without eradicating the elements of mischief that once catalysed the transnational movements, the obligation of non-refoulement shall be violated. The focus of the author in said research was on assessing the policy attitude of the three relevant stakeholders viz., Afghanistan, Pakistan, and UNHCR on the threshold of the non-refoulement principle. The events that premediated the shift from a one’s friendly policy to go home policy were analysed. The proposed research is wider in scope for the want of assessing citizenship claims, discussion on illegal immigrants, naturalization of individuals and policing of those Afghans who are in Pakistan solely for economic gains in the said article.

What has been the prime focus of the prior undertaking is just one aspect of the proposed research and that too to the extent of status analysis only. Furthermore, the context is changed for now the situation in Afghanistan in the post-war context is arguably different from what it was up till 2018, the year in which the article was published. The dissertation was finalized and accepted way before in 2009, the year when US forces were in full action in Afghanistan, and Barack Obama the then newly elected US President revised his strategy towards Afghanistan and ordered the stationing of more troops in the war zone. It was in 2009 that the change in command controversy erupted and Robert Gates was appointed the US Commander-in-Chief in Afghanistan, a personality who is well known for his aggressive strategies (Idrees et al., 2020; Shaffan et al, 2020). Furthermore, by that time the fight against the insurgent Taliban extended from land and aerial warfare to marine warfare for the US introduced 4000 marines in Afghanistan water as a part of counterinsurgency strategy. Today the situation has abruptly changed in its entirety with the US withdrawing from Afghan soil and the Taliban successfully and peacefully taking over Ghani’s regime. The change in circumstances begs a fresh interpretation of laws to conform to the change in the demands as the circumstances influence the law.

Hiegemann in the article titled “repatriation of Afghan refugees in Pakistan: voluntary?” published in *Oxford Monitor of Forced Migration* highlights the situation in Afghanistan before the Taliban overtake to raise a rebuttable presumption that Pakistan in assistance with transnational agencies “may be” violating the obligation of non-refoulement by repatriating refugees when the state of origin does not appear to offer a favourable environment to returnees (Hiegemann, 2014). Furthermore, the deteriorating situation in Afghanistan following the cessation of foreign intervention was well perceived by UNHCR encouraging the international

community to cooperate with host states in managing the refugee load and giving time to the state of origin in settling the shift in governance and issues resulting therefrom (Hiegemann, 2014, p. 44). These issues have a direct nexus with the socio-economic wellbeing of inhabitants of that state that merits consideration and therefore has been chosen as the domain of present article. The most related studies are evaluated in terms of their limited and different scope from the present study.

3. Research methodology

The present study is a purely qualitative undertaking with the aim of substantiating the need to bring an end to the status less living of Afghans in Pakistan. Descriptive, analytical and interpretive approaches are widely employed in the present research. Said methods effectively underpin the gravity of the situation under consideration and therefore can be employed as a precursor for carrying out doctrinal legal research devoted to categorizing the statuses that the Afghans in Pakistan may belong to. The writers remained neutral throughout the present undertaking so to impart reliability to the findings of current research. Major portion of the study is devoted to the analysis section and reliable sources are employed to impart maximum precision and accuracy to the findings of the study.

4. Analysis and discussion

The nature of bilateral relations between Afghanistan and Pakistan from time to time had greatly shaped the policy of Pakistan toward Afghans. Analysts argue the shift in the host state's treatment of Afghans in Pakistan from cordial to unfriendly. It is pertinent to highlight here that the treatment afforded in Pakistan to the Afghans is far better when compared with those in Iran where they are reported to have been beaten so to make their continued existence in Iran unattractive (Fattahi & Debre, 2022). Yet the analysis of Pakistan's policy on the yardstick of international best practices is needed. Numerous factors have influenced the shaping of the governmental narrative of vulnerable Afghan groups. A mass movement of Afghans into Pakistan, second only to Iran, was apprehended to aggravate problems for the host state in terms of unemployment, economic burden, law enforcement problems, the proliferation of undesirable cultures (*heroin* and *kalashnikov* predominate), disturbed demographics especially of the frontier regions, burdening of civil amenities, and others. These problems at the onset of movements did not bother the host state for it was at the receiving end of the strategic US massive financial and logistic aid supplies and thereby ignoring the looming risk of a permanent change in the landscape of the host society (Khaliq, 2018).

However, the problems expressly surfaced with the reduction and ultimately the curtailment of foreign aid after the Soviet withdrawal from Afghanistan and the US enjoying monopolistic control over Afghan soil encountering only lesser equipped and relatively lesser trained local Afghan groups (Ghufran, 2008, p. 117). Albeit massive scale repatriation program for Afghans since 2002, the Afghan presence on such a large scale in Pakistan manifests a protracted

(United Nations High Commissioner for Refugees, 2020) concern for all the stakeholders. Since the beginning of 2021, another fleet of 117,550 Afghans has entered Pakistan primarily on the pretext of security concerns back in the native state (UNHCR Regional Bureau for Asia and Pacific (RBAP), 2022). The precise number of Afghans in the need of international refugee protection is likely to be higher than the reported number. This further highlight that repatriation (whether voluntary or involuntary/forceful) solely is not a sustainable solution in the given scenario. The problem aggravates with the Afghans entering into their third and fourth generations since displacement. The shift in the political regime in Afghanistan in the post-war context necessitates the host states to be more vigilant in their policymaking.

4.1. Humanitarian situation in Afghanistan: an indicator of an ordinary person's standard of living

Any analysis of law involving transnational movements is not reliable unless the prevailing socio-economic conditions of the concerned territories are considered. A law is to be interpreted not in isolation but in entirety. This makes the reference to the socio-economic situation in Afghanistan and the host state Pakistan indispensable. Notwithstanding the political turnover in Afghanistan, the circumstances remain challenging and less appealable for Afghans to return to their state of origin. According to one report, the substantial Afghan populace living in Afghanistan meets their ends through humanitarian assistance (UNHCR Regional Bureau for Asia and Pacific (RBAP), 2022, p. 01). The core assistance commodities and services include sanitization, water supplies, medical facilities, educational assistance, edibles, etc. The majority of the setups have been established in the areas preferred for refugees' return to make their return encouraging. Internal displacement is one big challenge facing the Afghan government. Henceforth, the need of the hour is to think out of the box to accommodate the surging needs of the Afghans as the return of Afghans at the moment does not constitute a plausible solution.

4.2. US withdrawal to Taliban takeover: unfolding the political developments in Afghanistan

Adhering to the predecessor's deal with Afghanistan, Joe Biden announced on April 14, 2021, the end of the longest war in US history as it was no longer serving American interests (Gearan *et al.*, 2021). The war ended claiming the lives of more than 0.1 million Afghans (Mellen, 2021). The beginning of US withdrawal catalysed the Taliban mobilization in Afghanistan which despite being ousted from governance some twenty years ago was still powerful as manifested by the setting up of permanent outposts and several check-posts in key places in cities (George *et al.*, 2021, April 30). The events that followed marked a shift from air strikes to ground combat between Afghan militias and Taliban fighters, the latter succeeding in infiltrating the major government controlled-sites (George, 2021). Meanwhile, the controversy erupted with the then Afghan officials claiming that US officials left their biggest airfield Bagram in the dead of night without informing relevant government officials (Gannon, 2021)

deteriorating the law and order situation while the Pentagon claimed the exact opposite (Sullivan & Bowman, 2021). Despite the announcement of drawing back, the US troops, nonetheless, continued supporting Afghan forces to keep the Taliban at bay who were rapidly gaining the core territorial control (Horton *et al.*, 2021).

The beginning of August 2021 marked the victory of the Taliban over the territories of Herat and Kandahar – the economic centres that until then remained uncontrolled by the Taliban. The provincial capitals were surrendered by the governmental forces after a brief resistance. Throughout, the US maintained its stance of being unregretful of its withdrawal albeit the fact that US intelligence had predicted the falling down of Kabul (Lamothe & Harris, 2021). With the Taliban drawing closer to the state's capital, several sovereign states shut down their embassies and started evacuation plans for their nationals on the mission. August 15, 2021, marked the collapse of the Afghan government with its head Ashraf Ghani fleeing of the country in crisis (George *et al.*, 2021, August 5). It took only nine days for the Taliban to take over the federal capital since the seizure of control over the first provincial capital. The liquidity trap i.e., the uncertainty in the masses with Taliban takeover pushed them towards hoarding the cash and thereby bringing the economy of Afghanistan to a standstill. With the US freezing the foreign reserves of Afghanistan, the country cannot import commodities, pharmaceutical equipment, and products essential for survival. As per a survey by Asian Development Bank, approximately 2/3rd of the Afghan population live below the poverty line which stands at \$ 1.9 per day (Afzal, 2021).

4.3. Controversial misappropriation of Afghan foreign exchange reserves

More than anything indispensable for at least maintaining (even though a very low) living standard of an ordinary Afghan in Afghanistan is the avoidance of complete economic collapse. On the pretext of a moral boycott by the world at large following the Taliban takeover, the innocent millions of the Afghan populace cannot be left to starvation. The recent rapid withdrawal of US forces from Afghan soil and the internal rife succeeding in the Taliban governance resulted in an economic crisis. The humanitarian crisis follows the economic crisis (Greenfield, 2022). The widespread hunger, dried incomes and looming threats once again catalyst the Afghans to sneak into neighbouring territories (Goldbaum & Akbary, 2022). The crisis is exacerbated by the US executive ordering the diversion of the freeze funds of the Afghan Central Bank in the US banks (kept as foreign exchange reserves to back up currency value and ease trade) to support the victims' families of the September 11, 2001 attacks (out of frozen 9.5 billion US dollars, only 7 billion US dollars are ordered to be free and from among the released amount only half is intended (not yet materialized) towards the realization of humanitarian needs in Afghanistan) (Associated Press News, 2022).

The issue followed the events leading to Kabul falling into the hands of the Taliban in August 2021. The legal position of the assets in US banks substantially in the Federal Reserve Bank of New York was ambiguous after the US recognised Afghan government ceased to hold control

over state affairs. With the Taliban not recognised as a de jure government, US President Joe Biden ordered the financial institutions to freeze the said foreign reserves, and the institutions', duty bound under the federal law, had to pursue that particular course of action (Anderson, 2022). This opened the room for litigation in US courts by 9/11 victims seeking compensatory judgments with the attachment of reserve funds (even those who had successfully obtained an order of compensation much before the Taliban takeover) and requesting the execution. This has ignited a debate on the just and unjust utilization of foreign public assets in the US Banks with the Afghan representatives in US courts urging not to deprive the local Afghan population of much-needed funds since they are not the ones legally or morally responsible for September attacks (Savage, 2022).

The implication of the lack of access to foreign reserves is the Taliban government's inability to effectively handle the country's economy. To counter the outgoing of money that will further depreciate the currency value, the more likely is the imposition of capital controls. The issue further aggravates with the non-funding of the Afghan economy by international actors keeping in view that such funding once constituted more than seventy percent of the governmental budget (Lawder, 2021).

4.4. Collision amid cooperation: impact of Afghan presence on socio-economic fabric of Pakistan

The law and society are inextricably linked because social attitude predicts the developments in law and the law also influences the societal practices. Rosacea Pound emphasized that the role of law should be limited to reconciling the differentiating interests within the society and maintaining societal balance (Lippman, 2018, p. 34). Especially for developing countries, refugees (and those whose status is akin to refugees) pose long-term economic, social, and environmental consequences. It is an aggregate or the net impact on the host state that shall be formed the basis of policymaking. Henceforth, before interpreting the relevant legal framework in Pakistan, the researcher opines it is necessary to provide an overview of the arguments concerning the positive and negative impacts of Afghan presence in Pakistan.

The majority of the studies conducted on the impact of Afghans and their successive generations on Pakistan lack empirical evidence and as such cannot be relied on as conclusive proof either for favouring or disregarding the Afghan presence. This necessitates the need of conducting at the highest level the socio-economic empirical research to pinpoint with optimal credibility their impact. The arguments (at some places supported by statistical records) are hereinbelow discussed to provide an overview of the prevailing narratives concerning the socio-economic impact of the Afghans as they shall be duly considered at the time of formulating the recommendations following the analysis of legal provisions.

The report on the "illegal immigrants and Afghan Refugees in Pakistan" (Shigri Report) prepared by then Commandant of the Frontier Constabulary Afzal Shigri highlighted the

continued existence of Afghans in Pakistan as illegal. His rationale included that the Soviet invasion that served as a precursor of the mass refugee influx into Pakistan no more exists with the withdrawal of Soviet troops and thereby the status of Afghans has converted into illegal immigrants (Anwar, 2013). Their continued existence was cast as a threat to national stability and peace. The report was an attempt to lay down the foundation for a comprehensive immigration policy. The report further highlighted the potential risk attached to those Afghans who have illegally obtained the nationality of Pakistan and working abroad, of bringing a bad name to Pakistan (a country of ostensible citizenship). Additionally, the report pinpointed the plight of the Afghans and other immigrants living in Pakistan. The report arguably recommended the return of all undocumented immigrants (as labelled by the report) as a plausible solution.

The writer is not convinced with the findings of the report for several reasons. Firstly, the claims in the reports are subjective and lack any corroboration from real data and statistics. Secondly, the findings asking for the return must be followed by an impartial cost-benefit analysis in terms of actual risks attached to the continued existence and the actual benefits to the state's economy from their presence. Thirdly, the Soviet invasion in itself cannot be termed as a reason for migration, but it was the events that followed such invasion deteriorating the security and living conditions in Afghanistan. Having said that, the conditions not only still prevail but have worsened and for Afghanistan coming to a new normal is not foreseeable in the near future. By the time of the introduction of the report no clear policy framework existed and henceforth, the report had greatly influenced the governmental (and the societal) narrative towards Afghans (Azam, 2021, p. 10).

The existing restricted policy of the government of Pakistan has huge role-playing in the impact of Afghan presence on the formal and informal economy of the country. This assertion is substantiated in the succeeding paragraphs. With the mass influx of Afghans, the supply of labour in the local market increased causing a reduction in the average wage of the labour. This reduction in income and the potential risk of employment loss for the native residents is an aggravated concern especially when the incoming Afghans are separated from the formal market by the non-provision of work permits. This is also because the literacy rate is very low among incoming Afghans restricting them to the narrow labour market. This is one perspective of looking at the impact under consideration. From the consumption aspect, the larger the population living in the area, the greater the demand for locally produced and imported goods and thereby causing a decrease in the value of goods. Therefore, the net impact on the economy at the micro-level tends to be generally small (Schneiderheinze & Lucke, 2020, p. 7) with an exception of a few groups of residents who might be miserably affected by changes in supply and consumption patterns (Peri, 2014).

The impact also varies from sector to sector. In some sectors, it is the forcible return and not the presence of Afghans that has miserably impacted the economy. For instance, until the 2014 Army Public School (APS) Peshawar attack, more than half of the country's honey business

was carried out by the migrated Afghans (Yusufzai, 2022). Not only does their business cater to the local needs but different varieties of honey were exported to primarily the Gulf region (UAE and Saudi Arabia being the most lucrative markets) with a substantial profit margin (generating an annual revenue of five billion Pakistani Rupees) (Ullah, 2016). Many Afghan households accepted the bee-keeping containers provided by the UNHCR under its flagship start-up scheme for the refugees so to make them self-reliant by establishing a small-scale business instead of relying on government handouts. This in turn helped in the expansion of the honey industry of the host state. The government involvement throughout remained negligible. Following the APS massacre, the complexity of work permits and crackdown against Afghans halted the production and supply chain in the honey trade thereby endangering the development of the honey sector in Pakistan. Besides the policy issues on the part of Pakistan's government, the lack of dissemination of essential knowhow and training of local beekeepers as an issue surfaced once the majority of Afghan honey traders were forced to evacuate the country. Had a more inclusive approach been adopted, not only would it bring expertise but also employment opportunities for the local populace as the climate and flowering conditions in Pakistan have the real potential of expanding the honey industry (Waghchoure-Camphor & Martin, 2008, p. 728).

Another sector in Pakistan that witnessed a pitfall following the massive repatriation of Afghans is the carpet-weaving industry that dawned with the refugee movements (from 350 million US dollars in the late 1990s to 60 million US dollars in the financial year 2021) (Gilani, 2022). To survive the poverty following the migration to Pakistan, some of the Afghans mainly of Uzbek and Turkmen ethnicity set up carpet weaving setups at home initially (Baloch, 2003). With time business grew with orders not only from local consumers but also abroad. The Afghans who constituted more than seventy percent of the KP's carpet weavers helped the province in bringing fame for its hand-woven carpets and rugs. The industry met a fate similar to that of the honey industry and is now at large left at the mercy of lesser skilled and lesser trained local Pakistani labour.

The Afghans filled in the gaps in the local labour market by accepting the jobs at a wage below average offered to and often rejected by the ordinary residents due to the stigma attached to such jobs. The Afghan possessing special expertise utilized it and made goods of exportable quality purchased by local firms at a very low price and earned substantial profits by exporting them, especially to richer economies (Haidari, 2016). Furthermore, the remittance from the relatives of Afghans living in Pakistan is a source of foreign exchange earnings for the host state that is by large supported by empirical evidence claimed to have a positive impact on the growth of the host state in terms of savings, investment, and consumption. Against the backdrop of the role played by Afghans as discussed above, it is equally important to highlight that such contribution is recorded in the absence of any redressal mechanism for the contractual grievances of the Afghans who being precarious labours were often overlooked in their rights. No union exists to prevent the infringement of their rights. The discussion has highlighted how the careless attitude of successive Pakistani governments has not only cost the standard of

living ordinary Afghans and their successive generations but also missed opportunities that if cashed diligently with a watchful policy would have a long-lasting positive impact on the host state's economy.

4.4.1. Economic inclusion: retreating the conventional policy

The interior ministry of Pakistan has recently expressed its inclination towards the adoption of the Iranian model for the housing Afghans (Rehman, 2021). This implies restricting Afghans on the outskirts of the borders adjoining Afghanistan and thereby not only keeping them away from towns and cities but also not allowing the much-needed economic inclusion. In the absence of provision of such conditions that allow for their economic growth, the state has erred because this has bitter consequences for even the host state. When Afghans were given the less restricted freedom to indulge in the formal economic activities Pakistan witnessed a major boom in certain sectors for instance carpet industry, the honey industry, etc.

The prolongness of the situation manifests that immediate return of all is not possible henceforth a durable long-term solution is required. The economic inclusion of Afghans is a must for a sustainable solution (Ble *et al.*, 2021). This has three-tier benefits, firstly the standard of living of those Afghans improves, secondly, the reliance on external assistance (be it the resources of the host state or aid from international actors) reduces and thirdly, the host's economy benefits. The inclusion will nonetheless encounter many obstacles for several reasons, for instance, the political unrest and democratic governments' transitions in Pakistan, the higher quantum of the populace living below the poverty line, high unemployment rate, deteriorating economy (especially, like any other developing nation Pakistan's economy is miserably impacted by the SARS Covid-19 epidemic), and the challenge to accommodate the internally displaced persons whose situation is no better than the Afghans. Firstly, the policy barrier hinders the inclusive growth of Afghans, especially those denied registration. They enjoy a very restrictive right to work and sustain their families and seek education and this enjoyment is further curtailed because of their security concerns as they are the soft targets for the law enforcement agencies (Joles, 2021).

Furthermore, the lack of political will of the majority of the ruling parties from time to time to include Afghans in the mainstream economy amid mounting societal pressure further aggravates the hindrance in the economic inclusion of Afghans. The political agendas often overlook the Afghan issues due to other occurrences like the covid 19 outbreak, the rift between political parties, and the deteriorating law and order situation in the country. Many Afghans complained of the unwillingness of employers to hire them even when the requisite qualification is fulfilled. This is for the want of evidence of permission to work or the evidence of Pakistan being the birthplace. This in turn is an issue directly linked to the state of legal limbo in which Afghans live especially those to whom Pakistan is the only known home. This further signifies the ascertainment of their legal status and likewise devising a policy framework for them.

The plight of the Afghan returnees (at times the term premature repatriation is also used) corroborates the non-sustainability of the return as their situation has changed from bad to worse. Their existence is endangered due to a lack of resources. The substantial proportion of returnees belongs to the Kunduz and Kunhar areas – the sites of widespread violence – causing their secondary displacement in Afghanistan. What awaits these returnees in Afghanistan is worse for over the decades of conflicts and terrible calamities and will continue so for at least a decade or two. Therefore, an inclusive outlook is imperative for the state hosting them.

5. Conclusion

More than at any other time in history, the vagueness revolving the legal status of Afghans present in Pakistan now needs to be clarified. The study highlighted the socio-economic concerns being raised by the Pakistani society generally and further substantiated that no state-level empirical study till date is undertaken to assess actual impact. Furthermore, the role Afghans played and continue playing in their limited and restricted capacity towards the economic landscape of Pakistan cannot be overlooked. This further necessitated the need that the governance should carry out a watchful pre-assessment before adopting any particular course of action in their regard. The discussion in the article should not be construed to undermine the generosity the successive governments in Pakistan have shown towards incoming Afghans, the latest being the arrangements made to include the Afghans and their generations in the covid vaccine administration alongside the citizens. However, at the same time, certain gross errors are apparent in the policy-making which need to be rectified within a reasonable time to bring the sufferings of fellow humans – a section of society that usually garners little attention – to a clear and precise end. Attributing many of the pathologies in the host state to the vulnerable Afghan refugees and their generations is to ignore the bigger fish – the self-created economic and social dilemmas.

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