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MIGNEX Background Paper

Migration-relevant policies in Afghanistan

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MIGNEX

MIGNEX (Aligning Migration Management and the Migration-Development Nexus) is a five-year research project (2018–2023) with the core ambition of creating new knowledge on migration, development and policy. It is carried out by a consortium of nine partners in Europe, Africa and Asia: the Peace Research Institute Oslo (coordinator), Danube University Krems, University of Ghana, Koç University, Lahore University of Management Sciences, Maastricht University, the Overseas Development Institute, the University of Oxford and Samuel Hall.

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MIGNEX Background Papers

The MIGNEX Background Papers are scientific papers containing the documentation and analyses that underpin the project results. Selected insights from background papers are also presented in non-technical form in other formats, including MIGNEX Policy Briefs and MIGNEX Reports.

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Contents

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List of acronyms

ANDS	Afghanistan National Development Strategy
ANPDF-II	Afghanistan National Peace and Development Framework II (2021-2025)
A-SDG	Afghanistan Sustainable Development Goals
BLA	Bilateral Labour Agreement
CAPD	Cooperation Agreement on Partnership and Development
CDC	Community Development Council
CMP	Comprehensive Migration Policy
COVID-19	Coronavirus Disease 2019
DiREC	Displacement and Returnees Executive Committee
DoRR	Department of Refugees and Repatriation
DRC	Danish Refugee Council
EU	European Union
GoIRA	Government of the Islamic Republic of Afghanistan
IDP	Internally Displaced Person
IDMC	Internal Displacement Monitoring Centre
ILO	International Labour Organization
IOM	International Organization for Migration
JWF	Joint Way Forward
MoLSA	Ministry of Labour and Social Affairs
MoRR	Ministry of Refugees and Repatriation
MoU	Memorandum of Understanding
MRC	Migration Resource Centre
MRSD	Market Responsive Skills Development
NDS	National Directorate of Security
NGO	Non-Governmental Organisation
NLMS	National Labour Migration Strategy
NPP	National Priority Programme
NSP	National Solidarity Programme
PLACED	Placing Labour Abroad and Connecting to Employment Domestically
RADA	Reintegration Assistance and Development for Afghanistan
TAALIM	Sustainable (Re)integration and Alternatives to Irregular Migration of Vulnerable Afghans
TOKTEN	Transfer of Knowledge Through Expatriate Nationals
TRQN	Temporary Return of Qualified Nationals
TVET	Technical and Vocational Education Training
UAE	United Arab Emirates
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations Refugee Agency

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Migration-relevant policies in Afghanistan

This paper presents the results of the policy review of the MIGNEX project in Afghanistan. It refers to a period before the change in political power in mid-2021. Therefore, this review is presented as a historical document, not intended to reflect the current conditions of the country. The purpose of the review is to provide an overview of the key migration policies in Afghanistan and its interaction with development and development policies.

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While, on paper, policy reform in coherence with the Afghan migration context has begun, in practice linkages with development policy remain uncertain and a donor-driven focus on return and reintegration adds further strain on a fragile context.

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Labour migration strategies and bilateral labour agreements exist, with no progress on implementation and further delays due to political instability, renewed conflict and a global pandemic. This limits the possibility of regular migration pathways.

About the MIGNEX policy reviews

This is one of ten MIGNEX Background Papers devoted to a review of policies in the ten countries of origin and transit covered by the project. The term 'policy' can refer to many different phenomena. MIGNEX adopts a broad perspective and regards policy to include the existence and effectiveness of particular laws, common practices, development initiatives, policy interventions and the broader policy environment or framework. This inclusive definition encompasses the needs of the project's overall research.

Much of the analysis in the review involves policies that relate directly to migration and its link to development. The concept of 'migration-related policies' includes both the migration policy environment and interventions that seek to affect the development impacts of migration. It also includes policy and projects that might have large effects on migration dynamics, even if not presented under a migration heading.

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Methodological note

A systematic desk-based review was undertaken between February – December 2020 to identify experts to be interviewed as well as provide up-to-date accounts of a dynamic policy context on migration and development in Afghanistan. Overall, fourteen semi-structured interviews were conducted. Eleven of the interviews were conducted in person in Kabul and three were conducted remotely.
Nassim Majidi, Zabihullah Barakzai, and Jawid Hassanzai conducted the key informant interviews for this policy review. The interviews were conducted in English and in Dari. The Samuel Hall Team in Afghanistan facilitated access to interviewees due to their established network among experts.
This is one of three pilot studies that were carried out at an early stage to test the methodological approach to policy reviews developed in MIGNEX Handbook Chapter 9 (Godin and Vargas-Silva, 2020).

Summary of main results

Emigration, return, as well as internal displacement are dynamic facets of the Afghan migration and displacement context, rendering policy making a complex task. The Government of Afghanistan has integrated migration in its Afghanistan Sustainable Development Goals (A-SDGs) agenda and its National Priority Programmes (NPPs) and since 2020, chairs the Colombo Process, a consortium of 11 member states consulting on labour migration and development, with IOM acting as Secretariat. This suggests that the Government of Afghanistan considers migration a vehicle for development.

While, on paper, policy reform in coherence with the Afghan migration context has begun, in practice linkages with development policy remain uncertain and a donor-driven focus on return and reintegration adds further strain on a fragile context. The growing policy framework on returns has remained even as political leadership has shifted, and has sought to include returnees in national development planning while recognising their specific needs. Despite these actions, however, policy growth and implementation have proven slow. In a year of insecurity, of ambiguity surrounding peace talks, of political uncertainty and government focus on ongoing health and security disasters, new return policies remain largely at the draft stage. In addition, national policies on return and reintegration largely prioritise support for returnees from Iran and Pakistan; attention and funding for returns from Europe remain mainly donor driven.

There is also a siloed approach to understanding reintegration needs and standards that need to be set. The humanitarian approach is favoured when responding to refugee returns from the region, while returns from Europe are largely left out of national policy and programming discussions. The grouping of returnees by origin country and legal status abroad may exacerbate an already difficult situation of return to a country that is in the midst of severe economic, political and security changes. A development approach to returns could fill this gap and allow for an inclusive, holistic approach to all returnee reintegration, regardless of status and geographic location of their migration.

Beyond return, outlets for safe, and legal migration are scarce. Although labour migration strategies and bilateral labour agreements exist, there has been no progress on implementation and only further delays due to political instability, renewed conflict, and a global pandemic. The impact of policy on emigration or labour migration is a work in progress, with limited achievements on providing Afghans with regular emigration alternatives. The lack of an effective overseas migration administration system, of sufficient capacity and implementation standards on the Afghan side, and an overall unclear labour migration process, have meant that receiving countries might not have the sufficient evidence to sign or implement agreements.

Emigration

Main policies

The main policy documents related to emigration in Afghanistan are:

- The Government of the Islamic Republic of Afghanistan's (GoIRA) *Regulation for Sending Afghan Workers Abroad* (2005) which entrusts the Ministry of Labour and Social Affairs (MoLSA) with the responsibility for overseas labour administration (GoIRA, 2005). This first policy document for managing Afghan labour emigration puts forth a broad framework for conditions of employment abroad, employer obligations, and qualification requirements for being sent abroad, including "proficiency in a craft, good physical and health status, no background or addiction of crime, [and] no possibility of recruitment within the country" (GoIRA 2005). The document tasks MoLSA with the obligation to develop plans and programmes for employment services abroad as well as legal opportunities for international labour mobility; it does not describe what these plans, programs, and opportunities might look like in practice.
- The *National Labour Migration Strategy (NLMS)* endorsed as part of the country's National Labour Policy. The country's first NLMS was developed by the International Labour Organization (ILO) and the International Organization for Migration (IOM) and endorsed in 2018 covering a four-year period and integrated within the National Labour Policy 2017-2020. The mission of the NLMS is to "transform the existing largely informal and irregular migration movements into a well-governed formal labour migration system based on international norms and incorporating legislative and regulatory reforms, bilateral, regional and international cooperation and imparting of appropriate skills and competencies to potential migration workers" (GoIRA 2017). An issue with this labor agreement is that it has not been clearly drafted and no answers of Gulf States were received.
- The *Comprehensive Migration Policy* (CMP) of the Ministry of Refugees and Repatriation (MoRR) contains a section on regular emigration which includes labour migration, student mobility, and humanitarian migration (referring to the movement of asylum seekers and refugees to other countries). However, the CMP notes that "GoIRA does not currently

possess a coherent framework to promote the regular migration of its citizens or to expand available avenues for regular migration" (GoIRA 2017).

Trends

Afghanistan has bilateral and tripartite agreements on asylum seeker and refugee migration with the governments of Iran and Pakistan, European countries and Australia, but only limited engagement on labour migration (IOM 2014). This reflects a largely humanitarian perspective on emigration, and forced migration, rather than a development approach to migration. However, these trends are changing.

- The Government of Afghanistan has integrated migration in its Afghanistan Sustainable Development Goals (A-SDGs) and National Priority Programmes (NPPs), further mainstreaming migration in the development agenda.
- Ten years after signing its first Bilateral Labour Agreement (BLA) with Qatar in 2008, additional funding from the international community has refocused attention on the potential of labour migration. The World Bank, in support of MoLSA, launched a project in 2019 entitled Placing Labour Abroad and Connecting to Employment Domestically (PLACED). The PLACED project is managed by MoLSA with technical support from the World Bank, and is designed to address the challenges of un- and under-employment through regular emigration and job opportunities abroad. The United Arab Emirates (UAE) and Saudi Arabia are the first countries of this effort with a 2018 Memorandum of Understanding (MoU) between GIROA and the UAE, providing additional safeguards. Interviews highlighted the stagnancy of this programming.

Afghanistan's Chairing of the Colombo Process in 2020 is a reflection that GoIRA considers migration as a vehicle for development. This regional consultative process on overseas employment and labour migration for countries of origin in Asia, originated in 2003, is aimed at sharing experiences, lessons and best practices, while consulting on issues facing overseas workers and optimising development efforts from overseas employment systems. The initiative was initiated by several origin countries in Asia and is supported by IOM from the IOM office in Sri Lanka. Finally, the dissolution of the Displacement and Return Executive Committee (DiREC) and its reconstitution as the High Council on Migration reflects the broader reference by GoIRA to migration and development.

Impacts on emigration

The impact of policy on emigration is limited with little success in providing Afghans with regular emigration alternatives.

The lack of an effective overseas migration administration system has impeded implementation, alongside a lack of sufficient capacity among authorities, recruitment agencies, and an overall unclear labour migration process. It is advised that efforts to promote foreign employment need to

go together with developing the ability to protect workers at home and abroad.

The *Regulatino for Sending Workers Overseas*, implemented in 2005, provides a good example of current gaps. Because of the lack of systematic data on labour migration in Afghanistan, it is difficult to know how many workers took part in this programme and how successful it was (Wickramasekera & Burah, 2013). While private recruitment agencies play a major role in sending workers overseas, and while the regulation has provided for their registration with MoLSA, in 2013, there were only 15 registered and active agencies, 3 inactive registered agencies, and 5 that had terminated their contracts. On top of that, due to the changing circumstances in Afghanistan, the *Regulation for Sending Workers Overseas*, implemented in 2005, seems outdated. It has no way of monitoring the working and living conditions of Afghans living abroad and of enforcing obligations on foreign employers (Wickramasekera & Burah, 2013).

Implementation standards on the Afghan side might not be sufficiently strong to convince receiving countries to sign or implement new agreements. As discussed by a key informant at MoLSA, in the years after 2008, the Government sent 12 requests for BLAs – none of them were signed or returned due in part to a lack of confidence.

Finally, information outreach and awareness raising on the possibilities of labour migration remain limited. Attempts are being made at counselling potential Afghan migrants. One initiative is the Migration Resource Center (MRC) in Kabul, which also includes an online presence. However, the website1 does not provide practical information or "how to" guide for those interested in labour migration opportunities. The information provided is restricted to a "who's who" of ministries and institutions mandated to act on migration, but no practical example, contact information or documentation for potential migrants to consult. The MRC however has a big presence on social media. It hosts a Facebook page where individuals can ask for individual consultation. Their page is rapidly gaining popularity; it has 45,000 followers as of July 2021, more than double their following since celebrating 20,000 followers in November 2020.

The Employment Service Centres created in 2008 and managed by MoLSA, are meant to identify job seekers and match them with work domestically, however, there is no linkage to work abroad.

Impacts on development

In the absence of formalised recruitment processes, informal channels of recruitment prevail – through employers, middle-men, or community members. There remains a gap of information on recruitment practices in Afghanistan, including on assessments of ethical recruitment practices. Informal labour migration practices currently make Afghan migrants

vulnerable to exploitation, abuse, and deportation, and the benefits of their migration on development still remains to be assessed.

Key incoherence across policies

While the Regulation for Sending Afghan Workers Abroad calls for the registration and licensing of recruitment agencies and overseas employers, this remains a persistent gap in Afghanistan. Key shortfalls include the lack of enforcement mechanisms of such regulations, as well as the lack of manpower and capacity to enforce provisions (World Bank 2018). The licensing procedures are also not strong enough to ensure that only agencies with sufficient capacity are registered in the system, which currently holds 70 agencies, but only 15 with the capacity to facilitate labour migration. Strengthening the recruitment system is a key recommendation made by the World Bank to address the enforcement gap outlined above.

Another key gap remains between consular services and migrants themselves, with the need to reinforce transnational links to control labour migration practices and avoid unethical intermediaries and practices. The gap in the presence of labour attachés in Afghan embassies abroad has been repeatedly noted as an incoherence between the ambitions of providing labour migration opportunities, and the transnational presence gap.

Institutional tensions within and between ministries additionally reflect ongoing tensions over institutional responsibilities and mandates. Within MoLSA, the Minister's office is leading projects such as the PLACED project, overlapping and competing with the Office of the Director General of Manpower and Labour Affairs Regulation, previously responsible.

Tensions between ministerial mandates may be noted between MoLSA and MoRR, through its Comprehensive Migration Policy, with stakeholders being uncertain at the level of collaboration, synergy or overlap between the angles taken by each of the national ministries. MoRR has taken a broader approach to emigration – covering as previously mentioned student mobility and humanitarian migration – while MoLSA focuses on emigration in the labour sense.

The GoIRA states that the NLMS will contribute to the Afghanistan National Development Strategy (ANDS) by focusing on sending migrant workers abroad through BLAs entered into by Afghanistan and the labour-receiving countries – however BLAs have not been signed with neighbouring countries, Iran and Pakistan, which are the major destination of migrants from Afghanistan. The dialogue with the two states has focused on security and refugee issues, rather than labour migration. In Iran for instance, many Afghans migrate for labour opportunities. Some enter Iran without obtaining official visas, only to come to work in low-skilled functions as agriculture, construction, and clothing or in specific high-skilled functions (Jauhiainen, Eyvazlu, Salavati, 2020). The additional improvement of employment opportunities for Afghans in Iran also stimulated labour-migration of Afghans into Iran. Pakistan also holds a long history of labour migration with Afghanistan, prior to the flows of forced migration. During the 1973 the oil

boom for instance, many Afghan labour immigrants migrated to the Pashtun province of Pakistan IOM (2019). Many Afghan migrants in Pakistan are also circular, seasonal migrants. Economic downturns in the region need to be reflected into these discussions and readjust the development conversation.

Interaction with development policies

The GoIRA sees emigration as a way to release pressures on the domestic labour market, a means to diversify livelihood strategy and increase income through remittances to alleviate poverty and promote development. National Priority Programme 1 focuses on "the promotion of employment opportunities for Afghan workers" (GoIRA, 2010a) abroad in the region and in Gulf countries.

As a result, the NLMS recommends stronger links:

- Between the National Labour Policy (NLP) with the National Employment Policy and Strategy (NEPS) to create decent employment strategies at home and abroad
- With the Deputy Minister of Technical and Vocational Education Training (DMTVET) to ensure that the needed skills development accompanies discussions of foreign employment.

The NLMS acknowledges the need for data on labour market information, migration processes, movements and conditions of work abroad, and on the development impacts of migration.

Diaspora

Main policies

GoIRA recognises the value that diaspora members bring to the country, and along with international actors and NGOs, have encouraged skilled Afghans to assist in rebuilding the country. The establishment of the Inter-Ministerial Committee on Diaspora Affairs in 2018, led by the Diaspora Expert in the Office of the President, highlights a shift away from migration as a purely humanitarian issue in Afghanistan. In 2018, GoIRA began developing the Afghan National Diaspora Policy. Still in progress, the policy seeks to engage with Afghans living abroad and emphasises how the GoIRA can leverage its diaspora for development. This will include strategies for engaging with all migrant types and legal categories. Three key ministries are to be involved in this: the Ministry of Labour and Social Affairs (MoLSA), the Ministry of Refugees and Repatriation (MoRR), and the Ministry of Foreign Affairs (MFA). Government stakeholders however continue to highlight a lack of clarity on which ministerial branches are to lead implementation of the strategy; as of this writing the policy is still in the process of being reviewed and revised before being presented to the cabinet and approved by the President's Office.
Beyond the government level, international agencies have also been involved in efforts to engage diaspora in development actions. IOM remains the most prominent of these international actors, developing, in

their own words, "enabling, engaging, [and] empowering" approach to diaspora involvement for development. This includes mediating activities to enable trust building between policymakers and diaspora actors, as well as producing diaspora mappings and reducing barriers to engagement (IOM 2018).

These efforts have however had limited effects. Ongoing insecurity, limited employment opportunities and inhospitable social services and infrastructure continue to act as deterrents to return for diaspora who have successfully set themselves up abroad (Koepke, 2011; Garotte-Sanchez, 2017). This diaspora influence is also apparent at the political level. Diaspora members have been involved on both sides of negotiations with Taliban – the negotiating for the recent peace process discussions were led by diaspora members on the US side – and on a wider scale in the ongoing reconciliation process the diaspora has played a mediating role between both international actors and Afghans on different sides of discussions (Fatima, 2014).
The political involvement of the diaspora is even clearer when examining this influence within the Afghan government: current president Ashraf Ghani is himself a returned diaspora member, who renounced his United States citizenship upon his return in order to run for office. At the beginning of the century it was estimated that around 80% of the Afghan government, including civil servants at national levels -- belonged to various diaspora groups (Jazayery, 2002); while these numbers have shifted slightly in the past decade the involvement and influence of the diaspora on political developments in Afghanistan remains high. Those involved in politics reflect a narrow profile of the Afghan diaspora however: highly educated, nominally wealthy diaspora members who have strong political networks and are members of the urban elite: to this extent, some researchers have identified the emergence of the diaspora in Afghan politics as "a new power group," one seen by some non-diaspora political elites as a destabilising one (Fatima, 2014).

Trends

These policies and factors are dynamic and continue to change. To illustrate this, informants noted that the CMP, which holds labour migration and diaspora as a core pillar, might be revised due to government and leadership changes since its initial drafting.

Some of the changes are a result of ongoing political changes and processes. To ensure inclusivity in the peace process, diaspora engagement was specifically referenced in the Afghanistan National Peace and Development Framework (ANPDF II) and referenced again during the international conference on Afghanistan in Geneva, Switzerland in December 2020.

Afghan diaspora organisations' main challenges in their engagement with Afghanistan remains their lack of knowledge and awareness about development policies being developed or enforced in Afghanistan, in addition to the worsening security situation and a reluctance to work with the GoIRA (Mueller & Kuschminder, 2019). While leveraging diaspora groups has remained a challenge, diaspora individuals have been more successful at making development contributions, beyond the sending of

household remittances; diaspora channels are second to international aid in terms of investments and capital. This has been especially true in the business and private sector development, such as in civil aviation, real estate, and most notably, telecommunications.

The three leading mobile communication companies – Afghan Wireless Communication, Afghan Telecom, and Roshan Telecom – are managed or owned by diaspora members (Oeppen and Schlenkhoff, 2010; Fatima, 2014). Collectively these have a significant impact on communications infrastructure in the country.

Beyond material or infrastructural investment, efforts have been made to include skilled diaspora members in developing human resources and skill levels. This was initiated by the United Nations Development Programme (UNDP) through the Transfer of Knowledge Through Expatriate Nationals (TOKTEN), launched in Afghanistan in 2006. Established in several countries, the TOKTEN programme is a volunteer programme that seeks to link expatriates to their country of origin for limited periods of time. In Afghanistan this allowed diaspora to contribute – most notably in the sectors of health and education – without overcoming the hurdle of needing to return permanently (Fatima, 2014).

Another test programme that sought to effectively leverage diaspora skills and knowledge without the imposition of a permanent return was the Temporary Return of Qualified Nationals (TRQN) project. Funded by the Dutch Ministry of Foreign Affairs and implemented by IOM, the TRQN project also sought to share the skills and knowledge of members of the Afghan diaspora within a limited timeframe. Seeking to increase capacity building and knowledge transfer, the programme focused on three specific sectors – health, education, and infrastructure – the programme allowed Afghan diaspora professionals from a variety of countries to support ministries, hospitals, and universities in Afghanistan, while still balancing the desire for a non-permanent return to the country. The TRQN project has ended and is succeeded by the CD4D, aiming to strengthen diaspora engagement in Afghanistan, Iraq, Nigeria and Somalia. Since 2016, the project has led to 20 assignments of qualified Afghans in Afghanistan (Connecting Diaspora for Development, 2021b). UNU-MERIT has researched the impact of the TQRN programme. It appears that even though long-term effects are not yet known, the programme has made many small impacts on Afghanistan and has been highly appreciated by participants and hosts. Many participants highlighted that without the means provided by the programme, they would have not been able to return to Afghanistan to contribute to development in their country 9 Siegel & Kuschminder, 2012).

Impacts on development

The Comprehensive Migration Policy (CMP) includes plans for GoIRA to establish “development-conducive remittance and investment frameworks”. There has been a longstanding research gap and gap in data on remittances and their impact on development in Afghanistan, as well as the impact of foreign investment by Afghan diaspora or other potential investors. It is however well-accepted that remittances can provide vital livelihoods for many families receiving them, therefore contributing to their development.

One of the key questions on the impacts on development is specifically on the use of remittances for productive vs. non-productive purposes. The CMP is aiming to prioritise is the set-up of a scheme or incentives for Afghan migrants abroad to invest their remittances for productive purposes in Afghanistan. In Afghanistan, formal remittance channels remain very costly, with preference given to informal channels such as the Hawala system, whose contribution to the development of communities or of the economy of Afghanistan remain unexplored at a national level. For instance, when sending a 200 USD remittance via Western Union, a fee from 10-15 USD is paid for the transaction (The Comprehensive Migration Policy (CMP) includes plans for GoIRA to establish “development-conducive remittance and investment frameworks”. There has been a longstanding research gap and gap in data on remittances and their impact on development in Afghanistan, as well as the impact of foreign investment by Afghan diaspora or other potential investors. It is however well-accepted that remittances can provide vital livelihoods for many families receiving them, therefore contributing to their development. One of the key questions on the impacts on development is specifically on the use of remittances for productive vs. non-productive purposes. The CMP is aiming to prioritise is the set-up of a scheme or incentives for Afghan migrants abroad to invest their remittances for productive purposes in Afghanistan. In Afghanistan, formal remittance channels remain very costly, with preference given to informal channels such as the Hawala system, whose contribution to the development of communities or of the economy of Afghanistan remain unexplored at a national level. For instance, when sending a 200 USD remittance via Western Union, a fee from 10-15 USD is paid for the transaction (IOM, 2014b).

The CMP highlights the lack of information on remittances, stating that "the available information on the magnitude of remittance flows to Afghanistan is very unreliable (…). In order to facilitate the effective governance of remittance for the socio-economic development of Afghanistan, it is therefore essential to conduct a comprehensive analysis of major remittance corridors.” It identifies key points where these can be better wrangled towards more robust development, most notably towards improved financial literacy, incentivising Afghan investments from abroad – noting especially already existing contributions of diaspora members in the sectors of telecommunications, banking, real estate, and civil aviation – and promoting the use of remittances for “development-conducive” purposes more generally.

A key policy change highlighted in the document is the encouragement of the transition from informal hawala systems for sending remittances towards the promotion of legal channels of remittance sending. The document highlights the necessity to enable gradual shifts “from illicit to legal channels,” including the identification of best practices reducing formal transaction costs, fostering competition in the formal sector, and promoting branchless banking, including the establishment of a standard banking system (GoIRA, 2019). These policies remain to be implemented.

The Afghan diaspora is quite active in implementing development interventions in Afghanistan. An example of best practice in using diaspora for development can be found in The Netherlands. The Netherlands was one of the first countries to explicitly formulate a policy on the role of diasporas

in development cooperation, in 2004. In 2019 however, the Dutch government made a U-turn, excluding diasporas from policies. Dutch diaspora organisations have aimed to fill this gap and contribute to development in Afghanistan. Around 20% of Afghan-Dutch diaspora organisations are engaged in development or humanitarian activities in Afghanistan. Examples are the Ariana Foundation for Afghan women, providing 40-50 study grants for girls in Afghanistan every year, and the Medical Committee Afghanistan-Netherlands (MCAN), sharing knowledge with Afghan health professionals (Cordaid, 2021).

Similarly in Denmark, The Danish Diaspora Programme, a development coordination initiative funded by the Danish International Development Agency (Danida) and managed by the Danish Refugee Council (DRC), targets development in Afghanistan. Another example in Denmark is the From Street to School (FSTS) organisation, that financially supports street children in Afghanistan to access primary school education (Danstrøm et al., 2015 ; IOM, 2014b).

Key incoherence across policies

As key migration policies – NLMS, CMP, and the Afghan National Diaspora Policy for example – have been developed and endorsed at different times, the risk of overlap, contradiction, and redundancy between policies increases.

Key government stakeholders have highlighted that, driven by different ministries, or at times different departments within one ministry, the lack of coordination and collaboration can lead to broader incoherence. For instance, one issue is on definitions: the term “diaspora” includes all migrants, including labour migrants, refugees, and asylum seekers. The definition has focused on feelings of belonging and questions of identity, rather than on legal categories, which may lead to a lack of clarity and coherence in programming and implementation.

Interaction with development policies

Afghanistan is not a signatory to the 2018 UN Global Compact for Safe, Orderly and Regular Migration (it is a signatory to the Global Compact on Refugees) (Cordaid, 2021). The GoIRA efforts to develop an Afghan National Diaspora Policy is however aligned with Objective 19 of the Global Compact on Migration, which aims to create the “conditions for migrants and diasporas to fully contribute to sustainable development in all countries”.

In 2018, the IOM Development Fund supported a workshop with the Government of Afghanistan to help its diaspora engagement efforts. It aims to attract foreign investment and knowledge/skills transfer of the Afghan diaspora. To date, it is unknown whether the Afghan National Diaspora Policy has been fully developed or implemented (IOM, 2018).

Transit migration

Afghanistan itself is not a transit country. Rather Afghan migrants transit through many countries – notably Iran, Turkey, as well as other routes through Central Asia and Russia, for Afghans who are seeking to head to European countries; for some migrants, Pakistan is also a transit country towards Iran.

The Afghan Mission abroad can issue a transit visa to foreigners who pass through Afghanistan to a third country. The validity is of 72 hours if traveling by air, and six days by road (IOM, 2014, p.207). Overall policies, and data, on transit migration are not available or reflective of any transit migration patterns in the country, which are largely non-existent. As such, this topic is not covered in detail in this report.

Return migration

Main policies

GoIRA has developed targeted return policies in the past two decades, beginning with a 2001 presidential decree which outlined the main principles of Afghan national policies towards returnees. These included principles of safety from harassment, protection from prosecution, guarantees of freedoms and fundamental rights afforded to all citizens, and approval for international agencies – including the United Nations Refugee Agency (UNHCR) – to monitor returns.

This growing policy framework on returns has remained even as political leadership has shifted, and has sought to include returnees in national development planning while recognising their specific needs and vulnerabilities. Working with the World Bank in particular, the Government of Afghanistan has been collaborating on NPPs aimed at improving services and jobs for all, with a particular focus on return and reintegration for Afghans returning from Iran and Pakistan. At the national level, the Displacement and Returnees Executive Committee (DiREC) – now dissolved and replaced by the High Council on Migration – served until 2020 as a coordination mechanism for implementing these return policies, supported by technical support groups composed of governmental ministries, United Nations (UN) agencies and other international organisations.

In spite of these actions however, policy growth and implementation has proven slow. In a year of insecurity, of ambiguity surrounding peace talks, of political uncertainty and government focus on ongoing health and security disasters (including the COVID-19 crisis and ongoing conflict), new return policies remain largely at the draft stage.

In addition, national policies on return and reintegration largely prioritise support for returnees from Iran and Pakistan; attention and funding for returns from Europe remain donor driven. The European Union (EU) has, for instance, committed over EUR 200 million to the migration response in Afghanistan since 2016, through two special measures adopted in 2016 and 2017. This largely supports activities that are aligned with government

migration priorities, focused primarily on supporting the sustainable (re)integration of returnees and internally displaced persons (IDPs) in Afghanistan, and to strengthening the migration governance capacities of the country in order to facilitate the (re)integration process.

Trends

Afghanistan has developed a series of return migration policies, which has grown to encompass a variety of initiatives geared to durable solutions with a focus on returns. These include the recognition of internal displacement or IDP return needs, cross border discussions with Iran, and a shift towards long term development response, accompanied by a growing focus on supporting livelihoods and access to basic services (Table 1).

Table 1 Summary of Afghan National Policies and Actions Concerning Returnees

Year	Policy Title	Description
2003	National Strategy for Return, Displacement and Reintegration for the Year 1382/2003	Principal planning document to mainstream reintegration of returnees. Discusses framework for the return phase, the assistance process, and the role of actors and stakeholders in the process of return and reintegration
2015	Comprehensive Voluntary Repatriation and Re-Integration Strategy (CVRSS)	Further outlines role of stakeholders and national strategy for assisted and voluntary returns
2015	Expansion of Citizen's Charter National Priority Programme to areas of high return and displacement	Explicit expansion of development thinking targeting areas of displacement and return
2015	Iranian Decree addressing access to primary and secondary education and inclusion in healthcare infrastructure in Iran for Afghan refugees	Diplomatic negotiations and cross-border discussions with Iran result in some level of assistance and support for Afghan refugees in Iran
2017	DiREC Action Plan	Complement to Policy Framework, focused on five areas of returnee response, including provision of humanitarian assistance, documentation, access to basic services, and housing, land and property (HLP)
2020 – ongoing	Update of the NLMS – drafting of the implementation plan	While an update of the earlier NLMS has been agreed upon, funds and activities are pending for the development of an implementation plan according to MoLSAMD.

A key trend in recent years has been the willingness of government and international stakeholders to align return and reintegration objectives with development policies in Afghanistan. The Citizen Charter is a flagship national priority programme of GoIRA embedded at the community level to

enhance local economic development and integration among returnees. Key informants continue to consider the Citizen Charter as one example of how return, migration and development can be mainstreamed through international support and funding into national planning. Policy developments may soon include the inclusion of returnees in social protection programming, currently being planned for by the World Bank and GoIRA.

Impacts on return migration

Return flows have been mainly decided upon by host countries, with or without consultation with GoIRA. Return migration remains to a large extent unplanned and forced, whether from neighbouring countries (Iran and Pakistan) which still count a high number of forced returns and deportations annually, as well as from western countries. Policy engagement on return migration at times therefore remain ad-hoc, without formal engagement.

Afghans outnumber Syrians in Europe and European policies have had an immense impact on Afghan migration since 2016, as restated by key informants. While EU funding on migration was not a planned multi-annual exercise previously, such as in 2013-2014 when the multi-annual framework up to 2020 was planned, it is now a more structured and planned process. The EU is currently seeking to engage more structurally with development projects in the realm of agriculture, private sector, state building, to mention a few. One of the goals of EU funding in the future is to also increase the link between the international level coordination mechanisms and sub-national mechanisms, according to key informants involved in the planning process. One initiative being considered is the set-up of provincial reintegration committees, to improve communication, planning, and monitoring.

Informants agreed that local planning will be key to ensure that policies have an impact on return outcomes, through projects supporting local authorities, as well as local civil society organisations, either directly or indirectly through humanitarian and development partners on the ground. One example is the Reintegration Assistance and Development in Afghanistan (RADA) programme of the IOM which retains a focus on community-level reintegration and development assistance in communities of high return. The project runs for five years (2017-2022), with a budget of EUR 50 million. It receives financial assistance from the European Union and aims to reach 107,815 beneficiaries in the eight provinces Balkh, Baghlan, Kabul, Laghman, Kunar, Nangahar, Kandahar and Herat (IOM, 2014; IOM, 2020).

Impacts on development

Beyond immediate humanitarian safety and security needs, returnees face long term development challenges and vulnerabilities upon return. Among other elements, long term health and education fragilities, already present prior to departure, are exacerbated upon return. This is especially true for child and youth returnees, who may have found their education interrupted by their initial migration and difficult to resume upon return.

Poverty rates reached 55% in Afghanistan in 2016, deteriorating strongly since 2012 (Government of Afghanistan, 2017). As a result, returnees may find themselves better off economically immediately upon return than populations at home who have not migrated, thanks to returns packages, savings from abroad, and return support provided by government or international organizations. For example, a return package provided by UNHCR includes an average of 250 USD per person (100 USD for transportation, 150 USD for integration) (UNHCR, 2020). The average salary in Afghanistan is around 80 USD per month, making the integration compensation around 2 months worth of income. However, this positive economic impact is generally short lived, especially when paired with deteriorating security conditions, and access to sustainable and adequate livelihood opportunities remains a primary need for returnees in the long term.

In recognition of both returnee and non-migrant livelihood needs, Afghanistan has in recent years seen an increase in technical and vocational training programmes (TVET), in an effort to build capacities and increase access to employment, in particular for vulnerable populations. However the majority of these programmes focus primarily on skill building, facing difficulties bridging the gap between capacity growth and access to sustainable employment. In a context where informal employment is the norm, linking people to stable employment opportunities requires more than capacity building. Past research has demonstrated the importance of connecting with existing markets and tapping into social networks for accessing sustainable livelihood opportunities (Samuel Hall/NRC/DRC/IRC, 2019); tangible connections to these elements remain largely missing from current TVET programming.

In addition, worsening security situations in certain provinces can prevent people from returning to their home communities at all. Returnees originally from rural or anti-government held areas frequently find themselves needing to make a choice upon return to Afghanistan: return home to a rural, insecure area where social networks may be strong but economic opportunities are weak and safety is a risk, or stay in a safer urban area where availability of economic opportunities is higher, but where access to these opportunities is weaker due to lack of social networks and increased reintegration challenges. Return policies do not adequately respond to this worsening security situation.

This dilemma also takes place against a background of heightened internal mobility, both forced and voluntary. Returnees who choose to stay in urban areas are vying for opportunities with IDPs and internal labour migrants, adding to a general development context that is by default one of displacement.

The low levels of wider diaspora return have contributed to tremendous skills gaps in Afghanistan and have exacerbated the need for highly skilled professionals and capacity-building activities. IOM the Netherlands, started the previously mentioned Temporary Return of Qualified Nationals (TRQN) project in 2006 to address these shortages, but the impact has remained small (UNU 2012). IOM The Netherlands has concluded that the project has been successful in facilitating into the potential of diaspora community, but

had some fundamental issues, such as a weak monitoring and evaluation approach (IOM The Netherlands, 2015). The TRQN project has ended and is succeeded by the CD4D, aiming to strengthen diaspora engagement in Afghanistan, Iraq, Nigeria and Somalia. Since 2016, the project has led to 20 assignments of qualified Afghans in Afghanistan (Connecting Diaspora for Development, 2021a; 2021b).

Key incoherence across policies

Beyond gaps in what returnee support and reintegration policies are able to address, there exist key incoherencies and dissonances across ministries when it comes to return policy and programming. This is particularly evident when examining government planning and coordination regarding TVET programming for returnees: while the Ministry of Labour and Social Affairs (MoLSA) has outlined TVET priorities in terms of identification of relevant skills and yearly planning, these plans are not necessarily synced to programmatic needs, and are not always coherent with local policies and planning.

This has resulted in siloes across TVET planning, which, while nominally led by MoLSA, has also included programming from the Ministry of Education, the Ministry of Economy, the Ministry of Refugees and Repatriation, the national TVET authority as well as local level offices in charge of youth programming, all of which have implemented programmes that are frequently uncoordinated and independent from each other.

In addition, while the government has sought to set the right priorities – in spite of this lack of coherence across ministries – involvement of non-governmental actors remains a key gap in planning. This makes it more difficult to ensure cohesion across policies, and that programming responds directly to realities on the ground; while international engagement is ensured through government linkages with international organisations, the inclusion of Afghan non-governmental organisations (NGOs) and civil societies organisations remains limited.

Last but not least, there is a siloed approach to understanding reintegration needs and standards that need to be set. The humanitarian approach is favoured when responding to refugee returns from the region, while returns from Europe are largely left out of national policy and programming discussions. The “grouping” of returnees by origin country and legal status abroad may exacerbate an already difficult situation of return to a country that is in the midst of severe economic, political and security changes. A development approach to returns could fill this gap and allow for an inclusive, holistic approach to all returnee reintegration, regardless of status and geographic location of their migration. This is the approach endorsed by the World Bank and the Citizen Charter through an area based approach, integrating return communities.

Interaction with development policies

Recent returnee focused policies have sought to explicitly recognise returnees while also including them in wider development programming. This has included inclusion of returnees under the National Solidarity

Program (NSP) and the ensuing Community Development Council's (CDCs) and Citizen's Charter programme, which builds on participatory approaches through community entry points for delivery of support and service activities (see *section 9* of this background paper for more general details on development policies in Afghanistan).

CDCs and the Citizen's Charter programme have been leveraged towards returnee programming and support. In some instances CDCs have established action plans include explicit acknowledgement of refugee needs, while remaining focused on wider development planning for the whole community. More specifically, the development of CDCs and the Citizen's Charter programme may provide access points through which to better support family reunification of unaccompanied and separated minors returning to Afghanistan. Linkages with Citizen's Charter representatives and programmes have begun to be built in this way in order to better support returnee programming at the community level, although the effectiveness of these connections remains minimal.

Immigration

Main policies

Laws on immigration have changed dramatically over the last decades in information and, to date, little information is available in English. The Afghanistan Center at Kabul University (ACKU) provides a unique database and digital library of Afghan laws and other published resources on Afghanistan. The legal database, funded by the Open Society Foundation, provides access to a fully searchable platform of Afghan laws in Dari and Pashto, providing access to legal practitioners, researchers and a wider audience[2]. This resource is the main source for this section on immigration laws and policies, complemented by key informant interviews held in Kabul. Table 2 provides a summary – although not comprehensive but based on the available information – of existing laws, decrees and other regulations that impact the management of immigration issues in Afghanistan.

2 http://law.acku.edu.af/fa/

Table 2 Summary of Evolutions in Foreigners' travel and stay regulations in Afghanistan

Year	Name of the law
1951	Procedure for Travel and Stay of Foreigners in Afghanistan
1965	Changes in the Procedure for Travel and Stay of Foreigners in Afghanistan
1967	The Law on Domestic and Foreign Private Investment: Draft of Legislative Decree (990-3583)
1983	Law on Travel and Stay of Foreigners in the Democratic Republic of Afghanistan
2000	Law of Travel and Stay of Foreigners in the Islamic Emirate of Afghanistan
2004	Decree of Interim Government with regards to Changes to Article 46 of the Law of Travel and Stay of Foreigners in Afghanistan
2005	Convention Relating to the Status of Refugees (Geneva Convention of 1951)
2005	Regulation on Recruitment of Foreigners in Afghanistan Decree No. 36
2009	Decree of the President of Afghanistan on the Changes to Articles 19 & 44 of the Law of Travel and Stay of Foreigners in Afghanistan
2014	Contract between the Islamic Republic of Afghanistan and the North Atlantic Treaty Organisation (NATO) on the Presence of NATO Forces and Personnel to carry out agreed activities
2015	Decree of the President for the Law of Travel and Stay of Foreigners in Afghanistan (New Law)
2017	Decree of the President for Changes and Addition of Articles to the Law of Travel and Stay of Foreigners in Afghanistan
2018	Decree of the President for Changes and Addition of Articles to the Law of Travel and Stay of Foreigners in Afghanistan

Trends

The available legal documents in English are those that have been signed to regulate the work of foreign citizen or expatriates to Afghanistan for short-term work missions and assignments. There are specific agreements or memorandum of understanding between Afghan ministries and different countries, to intervene in the case of specific military or humanitarian crises and natural disasters, to allow for personnel to enter the country and address specific issues.

For instance, NATO has a specific contract regulating the agreed upon activities of its staff and personnel as seen above, while the Ministry of Economy specifically regulates the work status and visas given to those engaging in work with NGOs. The Ministry of Economy's director of Non-Governmental Organizations has released a Law on Non-Governmental Organizations (NGOs) that regulates the activities of both foreign and domestic NGOs. For all other foreign workers, the Ministry of Labour and Social Affairs (MoLSA) issues work permits for the employment of foreign citizens as per the statutes of the Labour Law.

In recent years, the President's office has provided new opportunities for investors to enter Afghanistan, with a facilitated investors visa that can be retrieved upon arrival or through the consular services in foreign countries, and that provides for long-term stay of investors.

Impacts on immigration

Key informants report that the National Directorate of Security (NDS) is also increasingly involved in visa approvals, effectively extending timelines for application and obtention of visas. This has rendered visa processing more complex than in the past.

There are increasing challenges for obtaining visas. While in the early years of the interim and first government after the overthrow of the Taliban, tourists and foreign workers could easily obtain visas, the process has been streamlined and formalised further to avoid a lack of oversight, and security issues related to entry of foreign nationals. Certain categories are said to have been blocked, while some nationalities are exempt of the visa and its associated cost, such as India and Pakistan.

Impacts on development

The first Migration Profile of Afghanistan (IOM, 2014. Afghanistan Migration Profile) highlighted that immigration to Afghanistan was closely linked to the need to fill in technical skills gaps. Encouraging investment from foreign companies, and related to that, the active recruitment of migrant workers, was a component of the Afghanistan National Development Strategy (ANDS). Foreign companies were allowed to hire foreign citizens to fill in labour needs and gaps that could not be met by Afghan workers. Certain sectors were specifically targeted – in the private realm of mining, construction and telecommunications sectors, as well as in the public realm of governance, humanitarian and development work.

With increases in the technical capacity of Afghan workers, key informants report that the issuance of work permits is also now stricter, in order to first ensure that access to local jobs are provided to domestic workers. Article 6 of the Regulation on Recruitment of Foreigners in Afghan Institutions highlights that when both domestic and foreign workers are available, priority will be given to the former. In addition, work permits for foreigners are limited to one year and have to be renewed after that, further increasing controls on foreign workers' stay in the country.

Internal migration

Main policies

In 2013, the Afghan government developed and endorsed the *National Policy on Internally Displaced Persons* in close collaboration with international organisations. The policy both officially recognised the presence of IDPs in the country and outlined an explicit roadmap for management of internal displacement (and the needs of the internally displaced). This encompassed the inclusion of returnees unable to return to their home area as IDPs, as

well as the articulation of IDP rights and a mapping of stakeholder responsibility to protect (Government of the Islamic Republic of Afghanistan, 2013).

While the introduction of the policy was widely lauded when it was endorsed, implementation since 2013 has been incremental and minimal; in 2016 Amnesty International went so far as to call it a "failed promise," calling out stakeholders' inability to put the policy into practice (Amnesty International, 2016). While both national and international actors insist that the policy continues to be relevant, they acknowledge that an absence of national ownership as well as shifting political priorities since 2013 (including new political leadership) have been obstacles to implementation (Samuel Hall/NRC, 2018).

Low financial and technical government capacity at both national and local levels as well as ongoing conflict and insecurity have also been cited as impediments to making the policy tangible. This is especially true of capacities at the provincial level: while primary responsibility for implementation of the IDP policy was delegated to the level of provincial governments, and a few training workshops held, in practice the provincial plans never progressed further than small scale programming in the provinces of Herat and Nangarhar, which did not go past the pilot stage (Majidi & Tyler, 2018).

In cases where attempts at IDP support have been implemented, technical elements of this implementation have been impractical at best. This is most notable in the case of the IDP petition system. The IDP petition system is the main channel through which IDPs can access humanitarian support: an IDP must register with the Department of Refugees and Repatriation (DoRR), and submit requests for assistance through the DoRR petition system. In practice, this path to assistance is often unknown, confusing, and ineffective for many IDPs. On top of this, less than half of petitions submitted are approved – for most IDPs this process is not worth the time and costs (of travel, of waiting) incurred (Samuel Hall/NRC/IDMC, 2018).

On a wider level, emergency situations have superseded long term development, rights, and durable solutions frameworks outlined in the policy, and the MoRR's nominal leadership role in implementing the policy has been handicapped by a lack of resources and weak centralisation of operations at the national level. To date no formal evaluations or revisions of the internal displacement policy have taken place.

Trends

The Internal Displacement Monitoring Centre (IDMC) has called Afghanistan one of "the world's most acute displacement crises." In 2019, the country had the fifth highest rates of new internal displacement in the world due to conflict, with over 400 000 additional people forcibly displaced that year due to ongoing violence (IDMC, 2020).

Combined with ongoing numbers of forced displacement related to natural disaster (in particular flooding and drought in the north of the country) as well as already existing instances of internal displacement, the numbers of

IDPs in the country were around 3 million by the end of 2019, an increase from the previous year which is likely to continue (OCHA, 2019; IDMC, 2020). These numbers are exacerbated by return numbers, who, often unable to return to their area of origin, add significantly to Afghanistan's IDP caseload (Koser, 2009; Majidi, 2017; Samuel Hall/NRC, 2018).

The IDP context in Afghanistan plays a key role in the wider landscape of internal migration in the country. In tandem with forced internal migration, the country has also seen urban population growth, largely due to natural growth rather than to increases in voluntary rural-urban migration (Ellis and Roberts, 2016; Ahmadi, 2019), following an initial influx to urban areas after the fall of the Taliban regime in 2002 (Ahmadi, 2019). However this natural growth, combined with an increasing IDP population which gravitates towards urban areas, has put pressures on cities to adapt and accommodate rising population numbers.

Managing internal migration – in particular the management of forced internal displacement – has therefore grown as a priority for the Afghan government, most notably through the acknowledgment and roll out of the *National Policy on Internally Displaced Persons*.

Impacts on development

Increased movements to urban areas – largely forced – have put pressure on the already limited capacities and infrastructure of urban cities to provide decent living conditions for both new arrivals and those already established within the city. This is even more the case in areas receiving high levels of returnee-IDPs, where pressure on available land and housing shortages become a key vulnerability (Samuel Hall/NRC/DRC, 2019). IDPs frequently find themselves living in makeshift camps and settlements, where access to appropriate standards of health, WASH, and education are low.

In some instances land allocation has been made to IDPs in order to develop less precarious living areas and build infrastructure; however land allocation has not always been well thought or appropriately implemented. In the city of Herat for instance, land designated towards the Maslakh settlement on the outskirts of the city was rural, far from available services and livelihood opportunities – few IDPs were willing to settle there, in spite of the offer of space to develop and grow their own land.

IDP returns have also offered some small opportunities for improving economic cohesion and strengthening development possibilities. In the province of Badakhshan, for instance, research conducted by the authors of this paper in 2019 found that past actions by the NSP on building effective water supply were still sustained, enhancing returnee-IDP and non-migrant communities wellbeing in the long term. Such programmes remained limited however, and a need for higher involvement of development actors, especially at the local level, was identified (Samuel Hall/ADSP, 2019). IDPs also find themselves more vulnerable to both debt and limited access to credit – IDP support, where it exists, remains largely humanitarian and emergency in nature; support from development actors remains limited.

At the same time, for those IDPs who are in protracted situations of displacement, some small but tangible development gains linked to IDP

settlements have been documented (Samuel Hall/NRC, 2018). Since 2012 infrastructure growth as well as increased access to services in IDP camps have resulted most notably in:

- Improved access to potable water (76% of respondents in 2017, compared to 3% in 2012)
- Increased access to electricity (44% of respondents in 2017, compared to 30% in 2012)
- Increased access to documentation
- Improved access to traditional toilet or flush latrines (78% in 2017 compared to 64% in 2012)

While these incremental improvements reflect some recognition of the long terms development needs and possibilities of the protracted IDP context in Afghanistan, stakeholders note that the focus remains focused in many ways on humanitarian needs, and development actors are still missing or on the fringes of the conversation. Furthermore, regional differences have become more pronounced with time, as illustrated by the fact that access to safe drinking water is higher in the western province of Herat, than in the northern province of Kunduz, highlighting challenges at sub-national levels (Samuel Hall/NRC, 2018).

Key incoherence across policies

No review of IDP policy and response has occurred since the announcement of the national IDP policy in 2013. Stakeholders have highlighted the lack of clarity regarding linkages between returns, secondary displacement, and forced displacement as an impediment to building policies that are effectively coherent with each other across these overlapping groups.

In addition, the lack of coherent data on IDPs remains an issue to designing relevant policies and programming. The data is notoriously unreliable, and accurate counting of IDP numbers remains challenging. Past research and interviews also highlight an emphasis on imbalance in support to IDPs compared to returnees: donors are largely more focused on provision of support to returnees than to IDPs, even as returnee and IDP dynamics remain linked (Samuel Hall/NRC, 2012; Samuel Hall/NRC, 2018).

This focus remains imbalanced within IDP groups as well, as funding and focus is concentrated on IDPs in the first few months of their displacement, even as protracted IDPs and returnee-IDPs continue to experience longer term development needs (Samuel Hall/NRC, 2018). This distinction between subgroups provokes a split and a dissonance in programming that is an impediment to a coherent national policy which effectively addresses linkages between displaced groups.

Interaction with development policies

As with returnees, IDPs have been included in whole-of-community approaches to development programming. IDPs have been included in national priority planning as well as in development programming outlined elsewhere in this report.

Some improvements have been made on paper. Most notably, for instance, the revision of Presidential Decree 104, ensuring land distribution towards eligible returnees and IDPs nominally seeks to address the shelter needs of these groups. In practice however, as elsewhere, these policies largely exist only on paper, and implementation remains minimal or lacking.

Support to IDPs remains largely tied to humanitarian actors, policies, and mechanisms instead of to development ones – this remains a key gap in response frameworks, even as key needs such as lack of land and shelter remain longer term development obstacles to working towards durable solutions.

Externalisation of EU migration policies

Main policies

Spurred on especially since the arrival of more Afghans in Europe in 2015-2016, European Union (EU) migration policies in Afghanistan have aimed to support the GoIRA in establishing its Comprehensive Migration Policy and to establish a wide migration portfolio. The current migration portfolio covers resilience, development, trade and agriculture, and links with other EU funding streams on private sector development, civil society integration and agriculture in order to address the drivers of migration. The EU approach is intended to be a comprehensive and consolidated approach addressing a range of issues related to migration in Afghanistan, from border management, to documentation, community development, and return and reintegration.

As seen briefly above, this has principally taken the form of a commitment of over EUR 200 million, along two priority lines: first, of supporting the sustainable (re)integration of returnees and internally displaced persons (IDPs) in Afghanistan, and second, of strengthening the migration governance capacity of the country, with a focus on the (re)integration process.

The EU migration portfolio in Afghanistan is mainly constructed around two key policy frameworks, described below.

1. The Cooperation Agreement on Partnership and Development (CAPD) : An agreement signed between the European Union, its member states, and the Government of Afghanistan in February 2017, the EU-Afghanistan Cooperation Agreement marks the first formal contractual agreement between the two entities, providing a legal framework for cooperation. It covers a vast swath of development cooperation topics, including migration and the evocation of a potential future formal readmission agreement in addition to the informal Joint Way Forward, described below.

2. The Joint Way Forward on Migration (JWF) (replaced by the Joint Declaration on Cooperation with Afghanistan in April 2021) : An informal cooperation agreement signed between Afghanistan and the EU in 2016, the Joint Way Forward serves as a non-legally binding framework for migration

cooperation, with a dual focus on preventing irregular migration and the return and (re)integration of irregular migrants. Specifically, the JWF puts forth a series of actions "to be taken as a matter of urgency" (EU/GoIRA. 2016) in order to forge a path for a "smooth, dignified, and orderly" return of Afghans who do not qualify for asylum or residence in EU countries. These actions include standard readmission cooperation elements (such as the provision of documentation for travel (including passport or other), the option to choose voluntary return, cooperation on joint flights and airport access etc.), but also wider actions on access to information and awareness raising on irregular migration, as well as the development and funding of return and reintegration programmes. On paper the JWF notes that "Return programmes and reintegration assistance are separate from and irrespective of the development assistance provided to Afghanistan, which seeks to address many of the root causes of irregular migration to Europe, including through job creation."

The focus on (re)integration in EU migration policy in Afghanistan is further put forward in the Annex to the JWF, which outlines a proposed reintegration package in addition to existing reintegration support financed by EU member states. The development of this package into programming and its impact on migration is outlined in the next section.

On April 26, 2021, the EU has signed a 'Joint Declaration on Migration on Cooperation' (JDMC) with Afghanistan. This JDMC has replaced the JWF. The new agreement includes a few changes, such as maximum number of 50 returnees per flight and up to 500 deportees per month. The JDMC is in line with the new Pact on Migration and Asylum, which emphasises strengthening partnerships between the EU and countries of origin. Some of the main points in the new declaration are voluntary return of Afghan nationals, better protection of children, clearer definition of vulnerable groups and all EU member states may participate in joint return operation.

Impacts on immigration, emigration, return migration and transit migration

Several programmes have been developed out of or benefitted from the policy frameworks and funding to emerge from the CAPD and JWF and its initial proposed (re)integration package. These have had a level of impact specifically on return and (re)integration in Afghanistan. On a programmatic level, this includes two key programmes, described below.

First, the "Improving (Re)integration of Returnees in Afghanistan" programme, managed by the European Commission. Overall the action focuses on livelihoods for displaced populations, returnees, and host community members in the areas where they reside. This is an umbrella programme which covers three separate activities implemented by different partners, as listed below:

- The "Afghanistan Ethical Lifestyle Initiative for the Economic (re)integration of Returnees and Internally Displaced People," implemented by the International Trade Centre (ITC)

- The "Technical Assistance for Market Responsive Skills Development (MRSD) for Employment Generation, Workforce Development, and as a Preventative Measure Against Irregular Migration" implemented by GIZ
- The "Sustainable (Re)integration and Alternatives to Irregular Migration of Vulnerable Afghans (TAALIM)" project, implemented by an NGO consortium comprised of the Danish Refugee Council (DRC), Mercy Corps, the Danish Committee for Aid to Afghan Refugees (DACAAR), and the Aga Khan Foundation.

A mid-term evaluation of the programme and its three activities conducted in early 2020 focused in particular on TAALIM, examined whether economic activities in place lead to sustainable (re)integration and the potential of the private sector to have an impact on migration decisions. While the tangible impact of these programmes on reintegration and migration remained indefinite at the mid-term stage, the evaluation revealed certain trends highlighting where EU programme actions might or might not have an impact on return migration and the (re)integration process, as well as migration decision making (Altair/Samuel Hall 2020). Key findings along these lines from this evaluation highlighted that:

- Programming is holistic in terms of who it is targeting, as one KII described: "we are not only focusing on reintegration but also what we can do for the host community and potential migrants to reduce migration out of the country - this would be a successful outcome for us. If they have less returnees, it can also mean that they're targeting those who would have, without a job, left and so on." However, confusion in defining who is classified as an IDP, a returnee, or a 'rural-urban' migrant makes it difficult to disaggregate potential impact by migrant type, and to identify how exactly programming affects migration or return decision making and processes, and how programme design can adapt to migrant profiles and needs.
- Initiatives to link training with private sector actors have proven successful to an extent, improving sustainable and long term health of programming to improve the (re)integration process of returnees, although similar linkages remain a gap within other activities.
- Decisions to migrate or re-migrate for beneficiaries of the EU activities were not linked not only to economic stability, but also to social integration. Specifically, variables of security and belonging to a strong network were correlated with desires to make a migration decision (or not). EU programming that therefore embraces a community approach to (re)integration was deemed as more likely to have a positive impact in the long term on returnees, IDPs, and potential migrants in the community, although this remained a missing link in most programming at the mid-term stage.
- More tangible relationships between migration and activities in place under this programme – and especially the capacity of the programme to provide alternatives to irregular migration – remain unclear. While the MRSD component of activities under GIZ was meant to enhance migration management capacities at national and local governance

levels, the policy angle was lost in practice, limiting ability to contribute to legal migration agenda at government levels.

Second, the IOM implemented "Reintegration Assistance and Development for Afghanistan" (RADA) programme, also funded under the EU migration portfolio, seeks to "support sustainable reintegration of returnees within their communities of return" (IOM, 2018). RADA retains a focus on community-level reintegration and development assistance in communities of high return. The EU also places emphasis on the Post-Arrival Reception Assistance (PARA) component of the RADA programme for returnees from Turkey, which is more closely linked as a component to the discussion around externalization of policies.

Beyond existing evaluations of (re)integration programming, interviews with government actors highlighted the need to develop more bilateral labour agreements and possibilities for pathways to regular migration, and the need for more robust labour migration agreements. As one government representative noted: "We need to train returnees, and be able to send them regularly abroad. One of our suggestions to the Europeans was, if European countries can also sign a MOU with us to hire workers, then it would be best to regularize the process. It would give hope to our people, our young people. Instead of going irregularly, they may have hope to go regularly."

However, discussions with the EU in Kabul noted that the EU has not been actively engaged on the labour migration front, although efforts to support the Afghan government on the development of the CMP have four components, including 1) Return and reintegration, 2) Labour Migration and diaspora, 3) Migration and development, and 4) Addressing Irregular Migration. EU support to drafting took place prior to shifts in government and ministry leads, and at the time of interview discussions to further revise and update draft to current policy needs was underway, with the hope to mainstream the CMP in 2021, including progress on the labour migration front and wider development conversations.

Impacts on development and interaction with development policies

Official EU policy on migration in Afghanistan "emphasises that EU development assistance to Afghanistan should not be seen exclusively through the prism of migration and the objectives of border management, and considers that development aid should address the root causes of migration effectively." (European Parliament, 2019).

Discussions with stakeholders highlighted however that, while EU development assistance may not be only tied to migration objectives, migration is a consideration in development objectives and how migration programming is set up. "The EU wanted to provide development of skills to returning migrants so that they would more easily enter the employment market in Afghanistan, to prevent irregular migration," noted one stakeholder.

The mid-term evaluation of the economic component of the programme described above have highlighted this logic in action, to some degree of success:

a majority (85%) of beneficiaries of programming interviewed– including returnees, host community members, and displaced populations – felt that livelihood training received through the TAALIM had a positive impact on their income, with beneficiaries perceiving a correlation between training and increased income. However, the types of work beneficiaries access often remain precarious, with only a minority of beneficiaries (21%) reporting formal or salaried employment. The evaluation also found that labour market assessments remain inadequate, impacting possibilities to tailor training to market needs and therefore best support long term development and decent economic opportunities.

Beyond the insight that this programmatic example gives, interviews with EU representatives highlighted other insights into linkages between EU migration policies and wider development programming, notably along the lines of the Citizen's Charter programme and that of the NPPs.

- **Citizen's Charter**: Funded by the World Bank with the aim of promoting inclusive development (including among sectoral lines of infrastructure development, healthcare, and education) through community approaches, Citizen's Charter is not exclusively or explicitly focused on migration. However, returnees, IDPs, and potential migrants are among beneficiaries, and programming has sought to take an inclusive approach. The EU has been involved in working with the World Bank to further develop aspects of the project and mainstream migration within this, and discussions have noted that in practice this is migration and reintegration focused to an extent, although stakeholders remained unclear on how exactly to fit this into existing logframes.

- **National and local planning:** the EU action engages at a political level with national level authorities and partners. The EU supports the Afghanistan National Peace and Development Framework II (ANPDF II) at the national level and encourages its partners, both public and implementing, to engage at the subnational level.

Main development policies

The selected policies

Afghanistan's development agenda is set through the Afghan National Development Strategy (ANDS) framework, and the Afghanistan National Peace and Development Plan II (ANPDF II) which spans the period of 2021-2025, considered to be the second half of the "decade of transformation". It is an ambitious agenda to eradicate poverty, develop Afghanistan's economy into a self-reliance and productive economy, invest in state institutions centred on citizens. The agenda has been adjusted to address the risks imposed by COVID-19 as well. The development policy has been drafted by the Afghan Government through consultative processes with various stakeholders.

The core vision of Afghanistan's development policy approach is summarised by the necessity to act locally, and close to the people, through a citizen-centred approach. The commitment in the ANDS framework is to empower

Afghan institutions to enhance service deliver, invest in sustainable development and protect citizens' rights.

While the ANDS provides an overall strategy, it will deliver on this vision through 22 'National Priority Programmes' (NPPs), established during the 2010 Kabul Conference. A multi donor trust fund called the Afghanistan Reconstruction Trust Fund (ARTF), administrated by the World Bank, directly supports these NPPs, which aim to focus on more specific deliverables. Among the most advanced of these ten is the Citizen's Charter, launched in 2016 alongside the Urban NPP to address service delivery for all and to be implemented at the community level through community development councils (CDCs) and NGO partners. This Citizen's Charter promises partnership between the Afghan state and its thousands of communities and specifically includes a migration response. According to the Citizen's Charter's website, it has elected around 13,000 Community Development Councils.

Afghanistan's development approach is further aligned with the global development agenda. In 2015, Afghanistan adopted the Sustainable Development Goals, and were adopted and aligned to the national planning process. This led to the creation of the Afghanistan Sustainable Development Goals or A-SDGs.

While the NPPs and the A-SDGs are meant to be aligned, as intended in the ANDS, a 2019 report assessed that, in practice, alignment was achieved at 40% (Islamic Republic of Afghanistan, Ministry of Economy, 2019). Part of the alignment gap is due to the lack of adequate monitoring framework and indicators to track progress across the NPPs. Another reason is the focus of the UN system on supporting the A-SDGs, while development actors such as the World Bank more broadly focus on NPPs.

Interactions with migration-related policies

Migration and displacement have been mainstreamed into discussions around the implementation of the NPPs such as the Citizens' Charter, with the World Bank integrating the reintegration of displaced populations as a key secondary output of the area-based approach undertaken by the government. High return areas, for instance, are prioritised in the selection of communities for intervention and as a criteria for the composition of the CDCs: the displaced are meant to be included in these councils and hence be able to influence and at least participate in local decision making.

The Comprehensive Migration Policy, the IDP Policy and Bilateral Labour Agreements remain to date disconnected from these broader development policies, while they remain specific connected to either ministerial strategies and provincial implementation plans.

The High Council on Migration, under the chairmanship of the President's office, brings together all line ministries to continue to integrate a focus on migration and displacement in policy design and implementation. The Council remains a novel change and untested in terms of concrete outputs, but represents a potential positive sign on the interaction between migration issues and development policies.

MIGNEX Background Paper

Any additional information related to COVID-19

2020 marked the highest number of undocumented returnees from Iran and Pakistan since records began, with over 865,000 recorded, a trend worsened by the impacts of COVID-19. Key informants report that the economic downturn induced by the global pandemic, lockdown measures and ongoing movement restrictions, have hit undocumented migrants hard, have increased returns from Iran alongside associated protection risks, and have also therefore impacted the level of remittances to the country. Concerns have risen over the pressures of COVID-19 on unaccompanied minors (Samuel Hall 2020a and b), child labour, child marriage, and overall livelihood coping strategies, opening vulnerable populations to higher risks of exploitation and abuse. The Humanitarian Needs Overview (HNO) 2021 reports that "many of the more complex or durable solutions planned for 2020 could not be implemented. (…) The delayed rollout of social safety net assistance by development actors in 2020 is also a factor in escalating humanitarian needs for 2021"(Humanitarian Needs Overvriew, 2021).

With today's pandemic, Afghan households are highly vulnerable to falling into poverty. The poverty headcount ratio at national poverty lines (% of population) for Afghanistan increased sharply between 2011 and 2016, from 38.3% to 54.5%, according to the World Bank. This indicator captures the percentage of the population living below the national poverty lines. More recent interviews conducted in April and May 2020 with World Bank experts, suggest that this indicator might be closer to 75% or 80%, due to the COVID pandemic and a worsening security situation.The economy is expected to contract by up to 4% in 2020 with the negative impacts of the COVID-19 virus, due to negative impacts on consumption, exports, and remittances – despite promising agricultural production figures and perspectives for 2020 (World Bank, Afghanistan Country Update – April 2020).

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