MIGNEX

Background Paper

Migration-relevant policies in Afghanistan – before the fall of the GoIRA

Samuel Hall Research Team

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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The views presented are those of the author(s) and do not necessarily represent the views of the institutions with which they are affiliated. The European Commission is not responsible for any use that may be made of the information herein.

History of changes

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Contents

Tables

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
CD4D	Connecting Diaspora for Development
CDC	Community Development Council
CMP	Comprehensive Migration Policy
CSO	civil society organisation
DiREC	Displacement and Returnees Executive Committee
DRC	Danish Refugee Council
EU	European Union
GoIRA	Government of the Islamic Republic of Afghanistan
IDP	internally displaced person
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
NLP	National Labour Policy
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

On paper, it appears that policy reform was underway in Afghanistan in alignment with the migration context. In practice, linkages with development policy remained uncertain and a donor-driven focus on return and reintegration added further strain on an already fragile context. This report is based on data collected in 2020-21 and provides a snapshot of migration policies before the fall of the Government of the Islamic Republic of Afghanistan (GoIRA).

Disclaimer: The report was drafted in 2021 and uses the present tense. All information reflects the pre-August 2021 state of affairs. The MIGNEX consortium believes this policy brief still holds value – to record history and to serve as the basis for future policy engagement.

Emigration, return and internal displacement are dynamic facets of the Afghan migration and displacement context, which render policy-making a complex task.

While the Afghan government considers migration a vehicle for development, policy growth and implementation have proven slow. Return policies remain at the draft stage and there is a siloed approach to reintegration.

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

Introduction

This is one of ten MIGNEX Background Papers devoted to a review of policies in the countries of origin and transit covered by the MIGNEX 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 in a country. This inclusive definition encompasses the needs of the project's overall research.

This review of migration-related policies in Afghanistan refers to a period before the change in political power in mid-2021. Therefore, the review explores the progress made up until August 2021 on migration and development in Afghanistan, and it is 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 – a marker of the progress made up until the change of government authorities in August 2021. This paper provides a broad overview and critical insights useful for policymakers and practitioners working on migration and development issues in Afghanistan at present.

Much of the analysis in this 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.

Methodological note

A systematic desk-based review was undertaken between February and December 2020 to identify experts for interview as well as to provide up-to-date accounts of a dynamic policy context on migration and development in Afghanistan. Overall, 14 semi-structured interviews were conducted. Of these, 11 interviews were conducted in person in Kabul and 3 were conducted remotely.

Samuel Hall's 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.

This is one of three pilot studies carried out at an early stage of the MIGNEX project to test the methodological approach to policy reviews developed in Chapter 9 of the MIGNEX Handbook (Godin and Vargas-Silva, 2020).

Summary of main results

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

On paper, it appears that policy reform is underway in alignment with the Afghan migration context. Yet, 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 despite shifts in political leadership 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 largely donor driven.

In Afghanistan there is also a siloed approach to understanding reintegration needs and the 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. This grouping of returnees by origin country and legal status abroad can exacerbate an already difficult situation of return to a country that is in the midst of severe economic, political and security changes, however. Instead, a development approach to returns could 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 in Afghanistan. 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 in terms of 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 sufficient evidence to sign or implement agreements.

Emigration

Main policies

The main policy documents relating to emigration in Afghanistan are:

— the 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. This includes 'proficiency in a craft, good physical and health status, no background or addiction of crime, [and] no possibility of recruitment within the country' (ibid, 2005: 3. 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, programmes and opportunities might look like in practice.

— the National Labour Migration Strategy (NLMS) (MoLSA, 2016), which was endorsed as part of the country's National Labour Policy (NLP) (GoIRA, 2017). The country's first NLMS was developed by the International Labour Organization (ILO) and the International Organization for Migration (IOM). It was endorsed in 2018 covering a four-year period and was 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: 10).

— the Comprehensive Migration Policy (CMP) of the Ministry of Refugees and Repatriation (MoRR), which contains a section on regular emigration. This 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 the 'GoIRA does not currently possess a coherent framework to promote the regular migration of its citizens or to expand available avenues for regular migration' (MoRR, 2019: 64).

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. This reflects a largely humanitarian perspective on emigration and forced migration, rather than a development approach to migration. However, these trends are changing.

— The GoIRA has integrated migration in its Afghanitan 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 it 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 were the first countries to participate with a 2018 Memorandum of Understanding (MOU) between GoIRA and the UAE providing additional safeguards. Interviews conducted as part of this review highlighted the stagnancy of this programming, however.

— Afghanistan's Chairing of the Colombo Process in 2020 indicates that the 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. Its aim is to share experiences, lessons and best practices, while consulting on issues facing overseas workers and optimising development efforts from overseas employment systems. The initiative was set up by several origin countries in Asia and is supported by the IOM through 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 a broader reference by the GoIRA to migration and development.

Impacts on emigration

Emigration policy has had limited impact and little success in providing Afghans with regular migration alternatives.

The lack of an effective overseas migration administration system has impeded implementation of emigration policy, as has a lack of sufficient capacity among authorities and recruitment agencies, and a lack of clarity in the labour migration process overall. It is advised that efforts to promote foreign employment need to go hand in hand with efforts to develop the ability to protect workers at home and abroad.

The Regulation for Sending Workers Overseas (GoIRA, 2005) provides a good example of existing 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 and 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 2005 Regulation seems outdated. It provides no way of monitoring the working and living conditions of Afghans living abroad and of enforcing obligations on foreign employers (ibid.).

Additionally, 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 by receiving countries, due in part to a lack of confidence in the apparatus in Afghanistan.

Finally, information outreach and awareness-raising on the possibilities of labour migration remain limited. Attempts are being made at counselling potential Afghan migrants, with one example being the Migration Resource Centre (MRC) in Kabul, which also has an online presence. However, the website[1] does not provide practical information or 'how to' guides for those interested in labour migration opportunities. Instead, the information

[1] ICMPD (2022), Migrant Resource Centre (MRC) Kabul. https://www.mrcafghanistan.af/en/

provided is restricted to a 'who's who' of ministries and institutions mandated to act on migration, but no practical examples, contact information or documentation for potential migrants to consult. Encouragingly, the MRC has a stronger presence on social media, hosting a Facebook page where individuals can ask for personal consultation. This page is rapidly gaining popularity: it had 45,000 followers as of July 2021, having grown from 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 but 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 and community members. However, there remains a gap in 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 are yet to be assessed.

Incoherence across policies

While the Regulation for Sending Afghan Workers Abroad (GoIRA, 2005) calls for the registration and licensing of recruitment agencies and overseas employers, this remains a persistent gap in practice in Afghanistan. Key shortfalls include the lack of enforcement mechanisms for 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 –currently 70 agencies are registered but only 15 have 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 (World Bank, 2018).

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 lack of labour attachés in Afghan embassies abroad has been repeatedly noted as undermining Afghanistan's ambitions of providing labour migration opportunities and having a transnational presence (OECD, 2020).

Discord within and between ministries also reflects ongoing tensions over institutional responsibilities and mandates. Within MoLSA, the Minister's Office is leading projects such as PLACED, thus overlapping and competing with the Office of the Director General of Manpower and Labour Affairs Regulation (which was previously responsible for this project).

Tensions between ministerial mandates are also noted between MoLSA and MoRR with regard to the CMP. Stakeholders are uncertain regarding 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 student mobility and humanitarian migration, as previously mentioned – while MoLSA focuses on emigration in the labour sense.

The GoIRA states that the NLMS will contribute to the Afghanistan National Development Strategy (ANDS) (MoF, 2021) 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 the neighbouring countries of Iran and Pakistan, which are the major destinations of migrants from Afghanistan. Instead, 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 work in low-skilled functions such as agriculture, construction and clothing, or in specific high-skilled functions (Jauhiainen et al., 2020). Pakistan also has a long history of labour migration with Afghanistan, prior to the flows of forced migration. During the 1973 oil boom, for instance, many Afghan labour immigrants moved to the Pashtun province of Pakistan (IOM, 2019). Many Afghan migrants in Pakistan are also circular, seasonal migrants.

Economic downturns in the region should be considered too. These need to be reflected in discussions of the impact of migration policy on emigration and development conversations be adjusted accordingly.

Interaction with development policies

The GoIRA sees emigration as a way to release pressures on the domestic labour market, and a means to diversify livelihood strategies and increase income through remittances to alleviate poverty and promote development. NPP1 focuses on 'the promotion of employment opportunities for Afghan workers' (GoIRA, 2010a) abroad in the region and in Gulf countries.

Through the NPP, the NLMS recommends stronger links:

— between the NLP and 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 efforts around skills development are accompanied by discussions around foreign employment.

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

Diaspora

Main policies

The GoIRA recognises the value that diaspora members bring to the country and, along with international actors and non-governmental organisations (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, the GoIRA began developing the Afghan National Diaspora Policy. Still in progress, the policy seeks to engage with Afghans living abroad and emphasises how the government 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: MoLSA, MoRR and the Ministry of Foreign Affairs (MFA). Government stakeholders continue to highlight a lack of clarity on which ministerial branches are to lead implementation of the strategy, however. At the time of writing, the policy was 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. The IOM remains the most prominent of these international actors, developing, in their own words, an 'enabling, engaging, [and] empowering' approach to diaspora involvement for development. This includes mediating activities to enable trust-building between policy-makers and diaspora actors, as well as producing diaspora mappings and reducing barriers to engagement (IOM, 2018). Yet such efforts by government and international agencies have had limited effects. Ongoing insecurity, limited employment opportunities and inadequate 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).

Diaspora influence is apparent at the political level, however. Diaspora members have been involved on both sides of negotiations with the Taliban – indeed, the negotiations for the recent peace process discussions were led by diaspora members on the US side. On a wider scale in the ongoing reconciliation process, diaspora have played a mediating role between both international actors and Afghans on different sides of discussions (Fatima, 2014).

Political involvement of the diaspora is even clearer when examining influence within the Afghan government: Former 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: they are highly

educated, nominally wealthy diaspora members who have strong political networks and are members of the urban elite. As such, some commentators have identified the emergence of the diaspora in Afghan politics as 'a new power group', and one seen by some non-diaspora political elites as destabilising (Fatima, 2014).

Trends

These policies and efforts around diaspora groups 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 changes in government and leadership since its initial drafting.

To ensure inclusivity in the peace process, diaspora engagement was specifically referenced in the Afghanistan National Peace and Development Framework (ANPDF-II) (GoIRA, 2020) and referenced again during the international conference on Afghanistan, which took place in Geneva, Switzerland, in December 2020.

The central challenge that Afghan diaspora organisations face remains their lack of knowledge and awareness about development policies that are being drafted or enforced in Afghanistan, in addition to the worsening security situation and a reluctance to work with the GoIRA (Mueller and Kuschminder, 2019). While the government has had limited success at leveraging diaspora groups, diaspora individuals have made greater development contributions. Beyond the sending of household remittances, diaspora channels are second to international aid in terms of investments and capital in Afghanistan. This has been especially true in business and private-sector development, such as in civil aviation, real estate and, most notably, in telecommunications (IOM, 2021). Indeed, 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), and collectively they have a significant impact on communications infrastructure in the country.

As well as material or infrastructural investment, efforts have also been made to include skilled diaspora members in improving human resources and skill levels. This was initiated by the United Nations Development Programme (UNDP) through the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme, launched in Afghanistan in 2006. Established in several countries, TOKTEN is a volunteer programme that seeks to link expatriates to their country of origin for limited periods of time. In Afghanistan this has 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 is the Temporary Return of Qualified Nationals (TRQN) project (IOM The Netherlands, 2015). Funded by the Dutch Ministry of Foreign Affairs and implemented by the IOM The Netherlands, 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 – and allowed Afghan diaspora professionals in a variety of countries to support ministries, hospitals and universities in Afghanistan, while still balancing their desire for a non-permanent return to the country. The United Nations University Maastricht Economic and Social Research Institute on Innovation and Technology (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 in Afghanistan and has been highly appreciated by participants and hosts. Many participants highlighted that they would not have been able to return to Afghanistan to contribute to development in their country without the means provided by the TQRN programme (Siegel and Kuschminder, 2012). The TRQN project has since ended and has been succeeded by Connecting Diaspora for Development (CD4D), which aims to strengthen diaspora engagement in Afghanistan, Iraq, Nigeria and Somalia. Since 2016, CD4D has led to 20 assignments for qualified Afghan diaspora members in Afghanistan (CD4D, 2021a).

Impacts on development

The CMP includes plans for the GoIRA to establish 'development-conducive remittance and investment frameworks' (GoIRA, 2019 98). There have been longstanding research and data gaps on remittances and their impact on development in Afghanistan, however, as well as on the impact of foreign investment by Afghan diaspora or other potential investors.

It is accepted that remittances can provide vital livelihoods support for many recipient families and therefore contribute to development. But a key question remains around developmental impacts in terms of the use of remittances for productive versus non-productive purposes. While the CMP is aiming to prioritise the setting-up of a scheme or incentives for Afghan migrants abroad to invest their remittances for productive purposes in Afghanistan, formal remittance channels in the country remain very costly. For instance, when sending a US$200 remittance via Western Union, a fee of US$10–15 is paid for the transaction (IOM, 2014b). Consequently, many migrants prefer informal channels such as the Hawala system, whose contribution to the development of communities or to the Afghan economy remains unexplored at a national level.

The CMP highlights a 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" (GoIRA, 2019: 99). It identifies key points where these corridors can be better utilised to enable more robust development, most notably towards improved financial literacy, incentivising Afghan investments from abroad – noting especially existing contributions by diaspora members in 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 CMP relates to 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 to reduce formal transaction costs, fostering competition in the formal sector, promoting branchless banking and the establishment of a standard banking system (GoIRA, 2019). These measures remain to be implemented, however.

In contrast, 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, which in 2004 was one of the first countries to explicitly formulate a policy on the role of diasporas in development cooperation. Sadly, in 2019, the Dutch government made a U-turn, excluding diaspora from policies. Subsequently, Dutch diaspora organisations have aimed to fill this gap and contribute to development in Afghanistan, with around 20% of Afghan–Dutch diaspora organisations engaged in development or humanitarian activities in Afghanistan. Examples include the Ariana Foundation for Afghan women, which provides 40–50 study grants for girls in Afghanistan every year, and the Medical Committee Afghanistan–Netherlands (MCAN), which shares 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, which provides financial support to street children in Afghanistan to access primary school education (IOM, 2014a; Danstrøm et al., 2015;).

Incoherence across policies

As key migration policies – the 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 across 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 incoherence. For instance, one issue is on definitions: the term diaspora includes all migrants, including labour migrants, refugees and asylum seekers, and the definition has focused on feelings of belonging and questions of identity, rather than on legal categories. This 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 United Nations Global Compact for Safe, Orderly and Regular Migration (the Global Compact on Migration), but it is a signatory to the Global Compact on Refugees (Cordaid, 2021). The GoIRA's efforts to develop an Afghan National Diaspora Policy do align with

Objective 19 of the Global Compact on Migration, however, which aims to create the 'conditions for migrants and diasporas to fully contribute to sustainable development in all countries' (UN, 2018: 26-27).

In 2018, the IOM Development Fund supported a workshop to help the diaspora engagement efforts of the GoIRA (IOM, 2018). The GoIRA aimed 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.

Transit migration

Afghanistan itself is not a transit country. Rather, Afghan migrants transit through many countries – notably Iran and Turkey, as well as via 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 diplomatic missions abroad can issue a transit visa to foreigners who pass through Afghanistan to a third country. The visa is valid for 72 hours if travelling by air and 6 days if travelling by road (IOM, 2014a).

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

The GoIRA has developed targeted return policies in the past two decades, beginning with a 2001 Presidential Decree (GoIRA, 2001) which outlines the main principles of Afghan national policies towards returnees. These principles cover safety from harassment, protection from persecution, guarantees of freedoms and fundamental rights afforded to all citizens, and approval for international agencies – including the United Nations High Commissioner for Refugees (UNHCR, the UN Refugee Agency) – to monitor returns.

This growing policy framework on returns has remained even as political leadership has shifted. It has sought to include returnees in national development planning while recognising their specific needs and vulnerabilities. Working with the international community, the World Bank and United Nations agencies, the GoIRA has worked to integrate NPPs – the country's development agenda and service delivery mechanisms – with a focus on the reintegration for Afghans returning from Iran and Pakistan[2]. At the national level, the Displacement and Return Executive Committee (DiREC) – dissolved and replaced by the High Council on Migration – served

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[2] UNHCR (2019) Priority Areas for return and reintegration, https://data.unhcr.org/en/documents/download/71801

until 2020 as a coordination mechanism for implementing these return policies and ensure coordination with national development programmes (GoIRA, 2018), supported by technical groups composed of governmental ministries, 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 €200 million to the migration response in Afghanistan since 2016, through two special measures adopted in 2016 and 2017 (European Parliament, 2022). These have largely supported activities that aligned with government migration priorities, focused primarily on supporting the sustainable (re)integration of returnees and internally displaced persons (IDPs) in Afghanistan, and 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 have grown to encompass a variety of initiatives geared to durable solutions. These include the recognition of internal displacement or IDP return needs, cross-border discussions with Iran, and a shift towards a long-term development response, accompanied by a growing focus on supporting livelihoods and access to basic services (see Table 1).

Table 1. Summary of Afghan national policies and actions concerning returnees

Year	Policy	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 the role of stakeholders and national strategy for assisted and voluntary returns
2015	Expansion of Citizens' 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 resulting 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	Update of the earlier NLMS has been agreed yet funds and activities are pending for development of an implementation plan according to MoLSA

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 (CCNPP, undated) 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. Prior to August 2021, policy developments were being planned by the World Bank and the GoIRA in order to enable the inclusion of returnees in social protection programming.

Impacts on return migration

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

Afghans outnumber Syrians in Europe and key informants emphasised that European policies have had an immense impact on Afghan migration since 2016. While EU funding on migration was not a structured exercise previously in terms of looking at multi-annual planning – such as in 2013–2014 when the multi-annual framework up to 2020 was planned – it is now a more structured and formalised planned process. The EU is currently seeking to engage more structurally with development projects in the realm of agriculture, the private sector and state-building, to mention a few. According to key informants involved in the planning process, one of the goals of EU funding in the future is to also increase the link between international-level coordination mechanisms and sub-national mechanisms. For example, a specific initiative being considered is the setting 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 (CSOs), either directly or indirectly through humanitarian and development partners on the ground. One example is the IOM's Reintegration Assistance and Development in Afghanistan (RADA) programme, 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 €50 million. It receives financial assistance from the EU and aims to reach 107,815 beneficiaries in the eight provinces of Balkh, Baghlan, Kabul, Laghman, Kunar, Nangahar, Kandahar and Herat (IOM, 2020).

Impacts on development

Beyond immediate humanitarian safety and security needs, returnees face long-term development challenges and vulnerabilities upon return. Among other aspects, 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 markedly since 2012 (GoIRA, 2017). As a result, returnees may find themselves better off economically immediately upon their return compared to populations at home who have not migrated. This is thanks to return packages, savings from abroad and return support provided by the government or international organisations. For example, a return package provided by UNHCR includes an average of US$250 per person (US$100 for transportation and US$150 for integration) (UNHCR, 2020). The average salary in Afghanistan is around US$80 per month, therefore the integration compensation is equivalent to around two months of income. However, this positive economic impact is generally short lived, especially when paired with deteriorating security conditions. 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 particular, effort has been made to build capacities and increase access to employment for vulnerable populations. However, the majority of these programmes focus primarily on skill-building, without 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 to access sustainable livelihood opportunities (Samuel Hall et al., 2019); tangible connections to these elements remain largely missing from current TVET programming, however.

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 TRQN project in 2006 to address these shortages, but the impact has remained small (Siegel and Kuschminder, 2012). IOM The Netherlands has concluded that the project was successful in tapping into the potential of the diaspora community, but it had some fundamental issues, such as a weak monitoring and evaluation approach (IOM The Netherlands, 2015). As mentioned previously, the TRQN project has been succeeded by the CD4D programme, which aims to strengthen diaspora engagement in Afghanistan, Iraq, Nigeria and Somalia (CD4D, 2021a; 2021b).

Incoherence across policies

Beyond gaps in what returnee support and reintegration policies are able to address, there are also instances of incoherence and dissonance across ministries in terms of return policy and programming. This is particularly evident when examining government planning and coordination regarding TVET programming for returnees. For example, while MoLSA has outlined TVET priorities in terms of identification of relevant skills and yearly planning, these plans do not necessarily sync with programmatic needs and are not always coherent with local policies and planning.

Such dissonance 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, MoRR, the national TVET authority as well as local-level offices in charge of youth programming – all of which have implemented programmes that frequently lack coordination and are independent from each other.

In addition, while the government has sought to set the right priorities – in spite of the lack of coherence across ministries – it has not ensured the involvement of non-governmental actors in planning. This makes it even more difficult to ensure cohesion across policies and that programming responds directly to realities on the ground. Indeed, while international engagement is ensured through government linkages with international organisations, the inclusion of Afghan NGOs and CSOs remains limited.

Last, but not least, there is a siloed approach in Afghanistan to understanding reintegration needs and the 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. This '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 changes in the economic, political and security context. A developmental approach to returns, on the other hand, could provide an inclusive, holistic framework for 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 (CCNPP, undated), through an area-based approach that integrates return communities.

Interaction with development policies

Policies that focus on recent returnees have sought to explicitly recognise returnees while also including them in wider development programming. Examples include the National Solidarity Programme (NSP), Community Development Councils (CDCs) and the Citizens' Charter[3] programme, which builds on participatory approaches through community entry points for delivery of support and service activities (see the later section on the main development policies in Afghanistan).

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

3 See https://www.ccnpp.org/Default.aspx

Immigration

Main policies

Afghan laws on immigration have changed dramatically over the last decades and, to date, little information is available in English. The Afghanistan Centre 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, as well as access to legal practitioners, researchers and a wider audience.[4] 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 – based on the limited information available – of existing laws, decrees and other regulations that impact the management of immigration issues in Afghanistan.

Table 2. Summary of the evolution of immigration regulations in Afghanistan

Year	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

4 See http://law.acku.edu.af/fa/

Trends

The legal documents that are available in English are those that have been signed to regulate the work of foreign citizens or expatriates to Afghanistan for short-term work missions and assignments. Specific agreements or memorandum of understanding (MoU) have been signed 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 to address specific issues.

For instance, NATO has a specific contract regulating the agreed upon activities of its staff and personnel, 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 instituted a law on NGOs that regulates the activities of both foreign and domestic organisations. For all other foreign workers, 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 through a facilitated investors visa that can be retrieved upon arrival or through the consular services in foreign countries. This provides for the long-term stay of investors.

Impacts on immigration

Key informants reported that the National Directorate of Security (NDS) is also increasingly involved in visa approvals, effectively extending timelines to apply for and obtain visas. This has increased the complexity of visa processing.

Visa applicants face increasing challenges too. While tourists and foreign workers could easily obtain visas in the early years of the interim and first government after the overthrow of the Taliban, the process has been streamlined and formalised further to introduce a level of oversight and to address security issues related to the entry of foreign nationals. Certain categories of tourists and foreign workers are said to have been blocked, while some nationalities are exempt from the visa and its associated costs (e.g. Indian and Pakistani applicants).

Impacts on development

The first Migration Profile of Afghanistan (IOM, 2014a) highlighted that immigration to Afghanistan was closely linked to the need to fill technical skills gaps. Encouraging investment from foreign companies, and related to that the active recruitment of migrant workers, was a component of the ANDS (MoF, 2021). As part of this, foreign companies were allowed to hire foreign citizens to meet their labour needs and to fill gaps that could not be met by Afghan workers. Certain sectors and workers were specifically targeted – for example, those working in mining, construction and telecommunications in the private sector, as well as those doing governance, humanitarian and development work in the public sector.

With increases over time in the technical capacity of Afghan workers, key informants reported that the issuance of work permits has now become stricter, in order to ensure that access to local jobs is first given to domestic workers. Article 6 of the Regulation on Recruitment of Foreigners in Afghan Institutions (GoIRA, 2005) 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 a duration of one year, after which they have to be renewed.

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 (GoIRA, 2013). 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.

While 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 also acknowledge that an absence of national ownership as well as shifting political priorities since 2013 (including new political leadership) have impeded implementation (Samuel Hall and NRC, 2018).

Low financial and technical capacity at both national government and local government 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 were held, in practice the provincial plans never progressed further than small-scale programming in the provinces of Herat and Nangarhar, and these did not go past the pilot stage (Majidi and Tyler, 2018).

In cases where attempts have been made to implement IDP support, technical elements have been impractical at best. This is most notable in the case of the IDP petition system. This 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 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 incurred (Samuel Hall et al., 2018).

On a wider level, emergency situations have superseded long-term development, rights and durable solutions frameworks outlined in the IDP Policy. 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 IDP Policy have taken place.

Trends

The Internal Displacement Monitoring Centre (IDMC) has called Afghanistan one of 'the world's most acute displacement crises' (IDMC, 2022). 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 existing instances of internal displacement, the number of IDPs in the country was at around 3 million by the end of 2019, an increase from the previous year – which reported around 2 million IDPs (UNHCR, 2020) which is likely to continue (UN OCHA, 2019; IDMC, 2020). These numbers are exacerbated by the numbers of returnees, who, often unable to return to their area of origin, add significantly to Afghanistan's IDP caseload (Koser, 2009; Majidi, 2017; Samuel Hall and 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 following an initial influx to urban areas after the fall of the Taliban regime in 2002 (Ahmadi, 2019). This urban growth has largely been due to natural growth rather than due to increases in voluntary rural–urban migration (Ellis and Roberts, 2016; 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 – and largely forced – movements to urban areas have put pressure on the already limited capacities and infrastructure of urban cities to provide decent living conditions for new arrivals and those already established within a city. And the pressure is even greater in areas receiving high levels of returnee-IDPs, where lack of available land and housing shortages become a key vulnerability (Samuel Hall et al., 2019). IDPs frequently find themselves living in makeshift camps and settlements, where access to appropriate standards of water, sanitation, and hygiene (WASH), health and education are low.

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

IDP returns have offered some small opportunities for improving economic cohesion and strengthening development possibilities, however. In the province of Badakhshan, for instance, research conducted in 2019 by the authors of this paper found that past actions by the NSP on building effective water supply were still sustained, thus enhancing the wellbeing of returnee-IDP and non-migrant communities in the long term. Such programmes remained limited, however, and a need was identified for greater involvement of development actors, especially at the local level (Samuel Hall and 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 is 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 and 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-term development needs and possibilities of the protracted IDP context in Afghanistan, stakeholders noted that the focus remains in many ways on humanitarian needs – development actors are still missing or on the fringes of the conversation. Furthermore, regional, and sub-national differences have become more pronounced with time, as illustrated by the fact that access to safe drinking water is better in the western province of Herat than in the northern province of Kunduz (Samuel Hall and NRC, 2018).

Incoherence across policies

There has been no review of IDP policy and response since the announcement of the national IDP Policy in 2013 (GoIRA, 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 coherent across these overlapping groups.

In addition, the lack of coherent data on IDPs is an obstacle to designing relevant policies and programming. The data are notoriously unreliable, and

accurate counting of IDP numbers remains challenging. Past research and interviews also highlight an imbalance in support to IDPs compared to returnees: donors tend to focus on provision of support to returnees than to IDPs, even as returnee and IDP dynamics remain linked (Samuel Hall and NRC, 2012; 2018).

This focus remains imbalanced within IDP groups as well, as funding and focus concentrates 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 and NRC, 2018). This distinction between subgroups causes a split and dissonance in programming which impedes the development of a coherent national policy that 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. They have also 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 (GoIRA, 2005), which ensures that land distribution towards eligible returnees and IDPs nominally seeks to address the shelter needs of these groups. In practice, however, as elsewhere, 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, EU migration policies in Afghanistan have aimed to support the GoIRA in establishing its CMP and to establish a wide migration portfolio. The current 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 comprehensive and consolidated, 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, EU migration policy has principally taken the form of a commitment of over €200 million along two priority lines: first, to support the sustainable (re)integration of returnees and IDPs in Afghanistan, and

second, to strengthen the migration governance capacity of the country, with a focus on the (re)integration process (European Commission, 2022).

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

The Cooperation Agreement on Partnership and Development (CAPD) was signed between the EU, its Member States and the GoIRA in February 2017 (EU and GoIRA, 2017). It marks the first formal contractual agreement between the EU and the GoIRA, providing a legal framework for cooperation. The CAPD covers a vast swathe of development cooperation topics, including migration and the evocation of a potential future formal readmission agreement in addition to the informal Joint Way Forward (JWF), described below.

The Joint Way Forward on Migration (JWF) (replaced by the Joint Declaration on Migration Cooperation with Afghanistan in April 2021 – see below) was an informal cooperation agreement signed between Afghanistan and the EU in 2016 (EU and GoIRA, 2016). It 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 put forth a series of actions 'to be taken as a matter of urgency' 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 (ibid: 1). These actions include standard readmission cooperation elements, such as the provision of documentation for travel (e.g passport or other), the option to choose voluntary return, cooperation on joint flights and airport access. Wider actions on access to information and awareness-raising on irregular migration are also included, 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' (ibid: 6, part IV).

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.

As mentioned, the JWF was replaced by the Joint Declaration on Migration Cooperation (JDMC), which was signed on 26 April 2021 by the EU and the GoIRA (Eu and GoIRA, 2021). The new agreement includes a few changes, such as a 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 (EU, 2020), which emphasises strengthening partnerships between the EU and countries of origin. Some of the main points in the JDMC relate to voluntary return of Afghan nationals, better protection of children, a clearer definition of vulnerable groups and confirmation that all EU Member States may participate in joint return operations.

Impacts on immigration, emigration, return migration and transit migration

Several programmes have been developed out of, or have benefited 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 policy frameworks have influenced the Improving (Re)integration of Returnees in Afghanistan programme, managed by the European Commission. Overall, the programme focuses on livelihoods for displaced populations, returnees, and host community members in the areas where they reside. It is an umbrella programme that covers three separate activities implemented by different partners:

1. The Afghanistan Ethical Lifestyle Initiative for the Economic (re)Integration of Returnees and Internally Displaced People, implemented by the International Trade Centre (ITC).
2. The Technical Assistance for Market Responsive Skills Development (MRSD) for Employment Generation, Workforce Development, and as a Preventative Measure Against Irregular Migration, implemented by Gesellschaft für Internationale Zusammenarbeit (GIZ, the German development agency).
3. The Sustainable (Re)integration and Alternatives to Irregular Migration of Vulnerable Afghans (TAALIM) project, implemented by an NGO consortium comprised of the DRC, Mercy Corps, the Danish Committee for Aid to Afghan Refugees (DACAAR) and the Aga Khan Foundation.

A mid-term evaluation of the overarching programme and its three activities conducted in early 2020 focused in particular on TAALIM and examined whether economic activities in place led to sustainable (re)integration and the potential of the private sector to have an impact on migration decisions. While the tangible impact of the programme and activities 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 on migration decision-making (Altair and Samuel Hall, 2020). The evaluation also highlighted other salient findings:

— Programming is holistic in terms of who it is targeting. One key informant 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 the sustainability and long-term

health of programming to improve the (re)integration process of returnees. Gaps remain in terms of similar linkages within other activities, however.

— Decisions to migrate or re-migrate for beneficiaries of the EU activities were linked to economic stability nor to social integration. Specifically, variables of security and belonging to a strong network correlated with desires to make a migration decision (or not). EU programming that therefore embraces a community approach to (re)integration is deemed 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 under GIZ was meant to enhance migration management capacities at national and local governance levels, the policy angle was lost in practice, limiting the ability to contribute to the legal migration agenda at government levels.

Second, the IOM implemented the Reintegration Assistance and Development for Afghanistan (RADA) programme, also funded under the EU migration portfolio. This seeks to 'support sustainable reintegration of returnees within their communities of return' (IOM, 2020: 2. 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 externalisation 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, as well as 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. This includes: 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 in Afghanistan, however. At the time of interview, discussions were underway to further revise and update the draft CMP to reflect current policy needs, 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).

However, discussions with stakeholders highlighted that, while EU development assistance may not be tied to migration objectives only, 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 Improving (Re)integration of Returnees in Afghanistan programme described above highlighted this logic in action: 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 accessed often remained precarious, with only a minority of beneficiaries (21%) reporting formal or salaried employment. The evaluation also found that labour market assessments were inadequate, impacting possibilities to tailor training to market needs and therefore best support long-term development and decent economic opportunities (Altair and Samuel Hall, 2020).

Beyond the insight that this programmatic example gives, interviews with EU representatives highlighted other aspects with regards to linkages between EU migration policies and wider development programming. Notably these insights relate to the Citizens' Charter programme and that of the NPPs.

— Citizens' Charter:[5] 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, the Citizens' 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 to mainstream migration within this. 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)

[5] See https://www.ccnpp.org/Default.aspx

(GoIRA, 2020) at the national level and encourages its partners, both public and implementing, to engage at the subnational level.

Key development policies

Afghanistan's development agenda is set through the ANDS framework (MoF, 2021) and the ANPDF II, which spans the period 2021–2025, considered to be the second half of the 'decade of transformation' (GoIRA, 2020). It is an ambitious agenda to eradicate poverty, develop Afghanistan's economy into a self-reliant and productive economy, and 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 rests on 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 delivery, invest in sustainable development and protect citizens' rights.

While the ANDS provides an overall strategy, it will deliver on this vision through 22 NPPs that were established during the 2010 Kabul Conference. A multi-donor trust fund called the Afghanistan Reconstruction Trust Fund (ARTF) and administrated by the World Bank, directly supports these NPPs, which aim to focus on more specific deliverables. Among the most advanced of these NPPs is the Citizens' Charter, which was launched in 2016 alongside the Urban NPP to address service delivery for all and to be implemented at the community level through CDCs and NGO partners. This Citizens' Charter promises partnership between the Afghan state and its thousands of communities and specifically includes a migration response. According to the Citizens' Charter website,[6] it has elected around 13,000 CDCs.

Afghanistan's development approach is further aligned with the global development agenda. In 2015, Afghanistan adopted the SDGs, which were aligned to the national planning process. This led to the creation of the Afghanistan Sustainable Development Goals or A-SDGs.[7]

While the NPPs and the A-SDGs are meant to be aligned, as intended in the ANDS, a 2019 report assessed that alignment was achieved at only 40% in practice (GoIRA, 2019). Part of the alignment gap is due to the lack of an 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. The

[6] https://www.ccnpp.org/Default.aspx
[7] See http://www.sdgs.gov.af/

World Bank includes 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 CMP, the IDP Policy and BLAs remain disconnected from the above broader development policies, but they do link with either ministerial strategies or 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 is untested in terms of delivering concrete outputs, but it represents a potential positive sign for the interaction between migration issues and development policies in Afghanistan.

Additional information related to COVID-19

The year 2020 saw the highest number of undocumented returnees from Iran and Pakistan since records began, with over 865,000 recorded. This trend was worsened by the impacts of COVID-19. Key informants reported that the economic downturn induced by the global pandemic, lockdown measures and ongoing movement restrictions have hit undocumented migrants hard. These conditions have brought about an increase in returns from Iran alongside associated protection risks, and they have also therefore impacted the level of remittances to Afghanistan.

Concerns have arisen over the pressures brought about by COVID-19 on unaccompanied minors (Samuel Hall, 2020a; 2020b), child labour, child marriage and overall livelihood coping strategies. Vulnerable populations have faced 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' (UN OCHA, 2021).

With today's pandemic, Afghan households are highly vulnerable to falling into poverty. The poverty headcount ratio for the percentage of the population living below the national poverty line increased sharply for Afghanistan between 2011 and 2016, from 38.3% of the population to 54.5%, according to the World Bank (World Bank, 2018). More recent interviews conducted in April and May 2020 with World Bank experts suggest that this indicator might be closer to 75% or 80% now, due to the COVID-19 pandemic and a worsening security situation in the country. Despite promising agricultural production figures and perspectives for 2020, the economy was expected to contract by up to 4% in 2020 with the negative impacts of the pandemic affecting consumption, exports, and remittances (World Bank 2021).

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