

UNHCR Note
on Basic Considerations Regarding Returns to Afghanistan from
Non-Neighbouring States

1. Reflective of the unprecedented changes that are taking root in Afghanistan is the ongoing large scale repatriation, the pace of which is extraordinary: 1,106,286 refugees from Pakistan, 91,762 from Iran and 9,257 from Tajikistan by 8 July 2002. The majority of refugees have freely opted for return and have done so safely, mostly to Kabul province in the central region and Nangarhar province in the east. The return movements are ongoing.
2. According to UNHCR estimates some 150,000 Afghans applied for asylum in some 90 States, other than Iran and Pakistan, during the past three years alone. Perhaps up to half this number could still be awaiting a decision. Given the above developments and the stabilizing situation in large areas of the country, clearly it is no longer appropriate to maintain UNHCR's earlier call for suspension of processing to finality of claims already in train.
3. As the current changes are indeed generally conducive to the safe return of a broad spectrum of Afghans, the Office advises that asylum-seekers be actively counselled about the situation, as well as on possibilities for assisted return. Exercise of the voluntary repatriation option and/or a withdrawal of asylum applications would tangibly relieve asylum systems in a number of States, pre-empting the need to process many of the claims, especially those related to the rule of the Taleban, where international protection is no longer an issue.
4. Claims still deserving of particular attention are those emanating from parts of the country where there are still very real security concerns (particularly in the north and some parts of the central region), information about which will need to be updated on a regular basis. Also deserving of particular attention are asylum applications of members of certain groups with protection vulnerabilities.
5. It is appreciated that host States are generally envisaging only voluntary return to Afghanistan at this point in time. Voluntary return is of course preferable in all circumstances, as it is likely to be more sustainable. Learning the lessons of earlier experience elsewhere, UNHCR advises that States develop programmes which simultaneously offer incentives to prospective returnees and contribute to the broader goal of Afghanistan's reconstruction. These programmes might include vocational training prior to return as well as community based shelter, income generating and other projects in targeted areas of origin. The country's absorption capacity would be thereby enhanced. The enormous challenge of assisting with the return and facilitating the reintegration of persons who have been displaced, both inside and outside the country, is not to be underestimated in this context.
6. UNHCR also advises that the return process for Afghans without protection needs should be phased, coordinated, orderly and humane and accomplished, to the extent possible, in manageable numbers where accommodation facilities are in place.

7. In order to achieve a managed process of returns from non-neighbouring States, UNHCR will explore, with the Transitional Government of Afghanistan, interested States with considerable numbers of Afghan asylum-seekers and relevant partners such as IOM, the establishment of tripartite agreements for voluntary returns. As a complement to the Tripartite Repatriation Agreements involving Iran (concluded) and Pakistan (pending finalization), such agreements might encompass recognized refugees, asylum-seekers who drop their claims and opt for return as well as asylum-seekers whose claims now fail because of changed circumstances. Besides protection assurances these instruments could include re-admission, reception and assistance arrangements.

8. As regards Afghans who have been granted a legal status of some sorts, UNHCR encourages States to allow them to maintain that status, and particularly so in relation to those who are well on their way towards durable integration into their new societies. In some cases protection considerations, but more generally the demands of international burden-sharing clearly support this position.

9. The current phenomenon of large scale returns should not be considered a justification for the suspension of all resettlement processing from neighbouring countries. Resettlement will remain a solution for some individuals with a particular protection profile, such as women at risk, refugees with specific protection problems in countries of first asylum and traumatized victims of torture.

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