

REFUGEES INTERNATIONAL

After the Airlift: Protection for Afghan Refugees and Those Who Remain at Risk in Afghanistan

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Photo caption: A young man walking alone along the in Afghanistan. (Photo by Anders Raaf)

Introduction

The scenes at the Kabul airport in recent weeks have been devastating. The airlifts were a race against time to evacuate U.S. citizens, citizens of allied countries, Afghans associated with the U.S. and allied presence in Afghanistan, and a limited number of Afghan men and women most at-risk under a Taliban rule. The United States and its partners did manage to rescue tens of thousands of people – an essential achievement. However, the airlift must be just the beginning of a sustained effort to ensure protection for Afghans still at-risk, whether seeking safety outside their country's borders or in need of support within.

Whatever one's views of the decision to end U.S. military involvement in Afghanistan, the execution of the troop withdrawal and the Taliban's seizure of power have created substantial risks of serious reprisals for hundreds of thousands of Afghans. The situation inside Afghanistan remains highly unstable and ongoing civil conflict is a real prospect. The Taliban have a long history of committing systematic, widespread, and egregious violations of human rights. Despite public statements suggesting a more moderate stance, there have been credible reports of grave violations of human rights by Taliban elements in recent weeks in many parts of Afghanistan. New risks come amidst an existing humanitarian crisis driven by conflict, drought, and the COVID-19 pandemic. And half of the population requires humanitarian aid.

The outlook for Afghanistan's civilian population is deeply concerning. The scale of humanitarian need inside the country will grow, as will the number of Afghans who reasonably feel compelled to seek safety abroad. These trends are distinct but not unrelated. And while Afghans will face the greatest costs, there will be implications in the region and the world. Afghanistan's neighbors, already home to 90 percent of Afghan refugees, are having their willingness to welcome tested. The United States, Europe, and others more removed geographically nonetheless face obligations to address the growing needs for humanitarian aid and protection of the well-being and basic rights of Afghans.

The reach, scale, and complexity of this situation demands a coordinated, comprehensive international response that looks beyond the urgent evacuations that have taken place. Governments that declared solidarity with the Afghan people must match their actions to their rhetoric and demonstrate humanitarian leadership.

Summary of Recommendations

There are ten critical sets of actions that the United States, the United Nations, and other governments should take to address humanitarian needs and advance the well-being and the human rights of Afghans most at risk. They include the following:

1. President Biden Should Appoint a U.S. Special Envoy for Afghanistan.

The president should designate a U.S. envoy for Afghanistan and the region to coordinate and drive U.S. diplomatic and humanitarian engagement across all elements of the international response, including the effort to ensure Afghans at-risk can continue to leave Afghanistan.

2. The Biden Administration Must Press for Safe Passage for Afghans Who Must Flee.

The Biden administration should work to establish safe passage, including through humanitarian corridors, to facilitate flight for at-risk Afghans.

3. The United States Should Provide a Pathway to Permanent Status for Afghans.

Congress should enact the Biden Administration's proposal to accord Afghans benefits commensurate with Refugee Admissions Program benefits and to authorize their adjustment to permanent status.

4. President Biden Should Announce a Refugee Admissions Ceiling of 200,000.

To accommodate the need for additional Afghan resettlement and to send an important signal of U.S. responsibility-sharing to governments neighboring Afghanistan that may be providing refuge to Afghans, the president should announce a Fiscal Year 2022 refugee ceiling of 200,000.

5. The Administration Must Promote Afghan-American Leadership.

The Biden administration should ensure that U.S. resettlement NGOs partner with Afghan-American organizations.

6. The United States should provide at least \$5 billion in direct additional funding to civilian agencies.

Congress should support at least \$5 billion in direct additional funding to civilian agencies to address special needs over the next two years relating to Afghanistan and at-risk Afghans, for overseas relief, regional countries hosting refugees, and U.S. resettlement programs.

7. The UN Secretary General Should Appoint a UN Envoy and the Security Council Should Modify the UN Presence in Afghanistan.

The UN Secretary General should designate a UN special envoy for Afghan humanitarian and refugee issues, and a new UN mandate in Afghanistan should prioritize effective provision of humanitarian assistance and protection of human rights—and should be conditioned on the safety and security of UN and humanitarian aid workers.

8. Donors Should Support Regional Countries That Will Host Afghans.

Donors should pursue long-term funding arrangements for regional host countries so they can support refugees and communities that host them.

9. Pakistan, Other Neighboring Governments, and Turkey Must Provide Refuge.

Pakistan, Iran, Afghanistan’s northern neighbors, and Turkey should provide both refuge and access to services for Afghans who may flee.

10. The European Union and EU Member States Must Welcome Afghans.

European governments must uphold access to asylum, ensure fair asylum processes and adequate reception conditions throughout Europe, and generously expand resettlement for Afghan refugees.

U.S. Efforts to Evacuate At-risk Afghans Before and After the Taliban Takeover

Few analysts or policy makers anticipated the speed with which the Taliban capitalized on the void left by American and NATO troops and seized power. In April 2021, U.S. President Joe Biden [announced that U.S. troops would fully withdraw from Afghanistan](#) by September 11, 2021. The Taliban then launched a major offensive, seizing hundreds of districts in large rural areas in the south, before pivoting to take control of a significant swath of territory along Afghanistan’s northern border. By early August, [many provincial capitals](#) had fallen. On August 15, the Taliban moved into the capital of Kabul, and Afghan President Ashraf Ghani soon fled the country.

U.S. Efforts to Help At-risk Afghans Before August 15, 2021

As the Taliban seized control over Afghanistan in the summer of 2021, the Biden administration and the U.S. Congress took belated steps to facilitate the departure of Afghans at risk because of their work with or on behalf of the U.S. government. In particular, the administration ramped up efforts to help Afghans who held special

immigrant visas (SIVs) or were in the last stages of the SIV application process. The SIV program was created by Congress in 2009 for Afghan nationals threatened for their work for the United States government (including the U.S. military) in Afghanistan since 2001. As of spring 2021, 26,500 visas were allotted to applicants filing after December 2014, of which slightly more than 15,600 had been issued. Approximately [78,000](#) Afghans (principal applicants and family members) had immigrated to the United States on these visas, receiving lawful permanent residence and eligibility for benefits accorded resettled refugees upon arrival. But an estimated 18,000 applicants and 53,000 family members remained in the midst of processing in July 2021.

In late July, the U.S. Congress passed an emergency [appropriation](#) that included \$500 million to the Defense Department and \$500 million to the State Department to provide emergency transportation, housing, and other essential services for Afghan partners and SIV applicants leaving the country. Another \$100 million was allotted to the State Department for assistance for Afghan refugees in neighboring countries and for humanitarian needs in Afghanistan and \$25 million to the Department of Health and Human Services to provide transitional financial, medical, and social services for Afghans once they have arrived in the United States. The legislation created 8,000 additional SIV visas, expanded eligibility to those who worked for the military for one year (rather than two years, which had been the requirement), and allowed for postponing of medical checks to facilitate evacuation. These measures help attest to fundamental shortcomings of the SIV program as it has existed since 2009, including limits on eligibility, burdensome application and approval requirements, and years-long processing and vetting delays which should have been addressed long before the U.S. withdrawal.

On August 2, the Biden administration created a new [P2 refugee resettlement](#) program for Afghans not eligible for the SIV program but affiliated with the United States through work for the government or military, a U.S. government-funded program, U.S. based media companies, or non-governmental organizations. P2 is a resettlement priority category within the U.S. Refugee Admissions program, and the category is designed for "*groups* [emphasis added] of special concern...who have access to the program by virtue of their circumstances and apparent need for resettlement." (Two other resettlement programs are in use, a P1 program for individual cases referred for resettlement by an embassy, a designated NGO or the UN Refugee Agency and a P3 program for resettlement of those reunifying with family members already in the United States.)

To obtain access to the new P2 program, Afghans must be referred by a U.S. government agency, media company or NGO. Processing for resettlement begins once the referred Afghans reach a third country and can take several months or even years. The U.S. Refugee Admissions Program and the agencies it supports to help refugees upon arrival are still hobbled and under-resourced because of the cuts in resettlement during the Trump administration.

The Kabul Airport Evacuation

After the Taliban entered Kabul on August 15, the Biden administration sent 6,000 U.S. troops to secure the airport and coordinate evacuation flights. The administration had reportedly evacuated 124,000 people by August 31. The population that gained access to the airport, after making it through Taliban checkpoints and U.S. military screeners, included at-risk Afghans who had documentation relating to SIV status or eligibility for other U.S. visas (as relatives, for example), U.S. citizens and legal permanent residents, or at-risk Afghans who could be eligible for refugee resettlement and about whom prominent U.S. NGOs, former officials, and other public figures had expressed grave concern. The State Department has acknowledged that the majority of SIV applicants and others who aided the U.S. mission in Afghanistan did not make it through.

Thousands of Afghans who evacuated on [privately chartered](#) planes to such countries as Albania and Uganda or who have traveled over land to countries neighboring Afghanistan are in uncertain status. Of those evacuated by the U.S. government, 43,000 people were reportedly taken on planes to U.S. military bases in third countries (including Qatar, Bahrain, the UAE, Germany, Italy, Kuwait, and Spain). As of September 7, about 58,000 evacuees had been flown to the United States, including approximately 6,400 U.S. citizens and 3,500 green card holders and almost 48,000 Afghans, most of whom lacked visas and were paroled in. Many went from Dulles and Philadelphia airports to military bases in Virginia, Wisconsin, Texas, New Jersey, Indiana, and New Mexico. There they received health screenings, including COVID tests and vaccines, and help in applying for work authorization.

With the end of the air evacuation at Kabul airport, attention must now turn to establish safe pathways for vulnerable Afghans to make their way to neighboring countries and beyond. This is a matter of urgency. As outlined below, a number of factors—from the Taliban’s track record of abuse to the country’s growing humanitarian crisis—will likely push Afghans to seek to flee across borders. These Afghans should have the rights to flee, gain refuge, and—as part of an international responsibility-sharing effort—move beyond the region to other destinations where they can find resettlement opportunities. Unfortunately, initial signs are that most potential countries of refuge and resettlement are reacting ambivalently at best, and in a hostile manner, at worst.

The U.S. Resettlement Challenge

The administration has appointed a [White House coordinator](#) and tapped the Department of Homeland Security to lead an interagency effort to resettle and integrate Afghans. DHS is expecting to admit more than 50,000 Afghans—and possibly well over that number—through the parole authority. As implemented, this parole admits Afghans for two years but does not give them permission to remain permanently. Nor are parolees entitled to the public support and social welfare benefits and services received

by refugees resettled through the U.S. Refugee Admissions Program. The State Department is providing resettlement agencies with initial grants for parolees, but Congress will need to make available further support [as requested by the White House on September 7](#).

Without special legislation on adjustment of status, parolees would need to pursue permanent status through visas of various kinds (including Special Immigrant Visas) or through the U.S. asylum process. However, Congress could also authorize adjustment to permanent status— [as the administration also requested on September 7](#) (and as Congress has done in the past for groups of people from Cuba, the former Soviet Union, Vietnam, and Central America).

If Congress does not do this, the administration could seek to use the U.S. Refugee Admissions Program to regularize the status of parolees—in fact, in May 1980, John Harmon, the Assistant Attorney General in the Justice Department’s Office of Legal Counsel, suggested that Section 207 of the U.S. Refugee Act does not require that non-citizens have their refugee determinations and processing conducted abroad.¹ But at this point, the administration might argue such processing would require legislation—legislation that Refugees International would certainly support. In any event, the administration has several options it may pursue for the current population of Afghans in the United States.

Of course, if Congress endorses the administration’s proposal on adjustment of status for Afghan parolees, the administration will also confront the question of how to process Afghan entrants who arrive after the proposed final U.S. entry date for eligibility—September 30, 2022. Indeed, it is conceivable that, after September 30, 2022, Afghans who flee Afghanistan will be in very tenuous situations in countries of refuge and will have to depart those countries quickly. In such cases, the administration could consider bifurcated processing for resettlement in the United States, based on the precedent for resettlement of Kosovars in 1999. In that case, refugee status determination [for particularly vulnerable individuals took place in then-Macedonia](#), with other steps in the screening process taking place in the United States.

Drivers of Displacement and Humanitarian Suffering in Afghanistan

Even before the Taliban launched their May offensive, millions of Afghans had been displaced. At the end of 2020, the number of internally displaced people (IDPs) in Afghanistan stood at 3.5 million. So far this year, another [550,000 Afghans have been](#)

¹ Harmon memo to Stuart Eizenstat, Papers of David Martin, University of Virginia Law School, in Refugees International’s possession.

[displaced](#) with the number of Afghans on the move accelerating over the summer. The UN Refugee Agency (UNCHR) reports that, during a 32-day period in July and August, over 126,000 more Afghans were on the move in light of the Taliban offensive. Some 120,000 Afghan IDPs had sought shelter in Kabul by the time the Taliban seized the city. About 30,000 of these IDPs have reportedly returned home to provinces in the south of the country. But even if active fighting has momentarily paused, many remain at risk. And violence is not the only reason Afghans are increasingly vulnerable and in many cases on the move.

Deteriorating Humanitarian Conditions

A full assessment of the humanitarian situation inside Afghanistan is beyond the purview of this report. Humanitarian agencies and [analysts](#) have documented the nature of the challenge. However, it is important to note that the [gap](#) between the needs of the civilian population and the scope of the international response is significant and widening. Even before the Taliban seized power, the number of people in need of humanitarian assistance had increased significantly over the [past 18 months](#). Half the population—[some 18.4 million Afghans](#)—now need aid.

A number of factors are driving these trends. Central among these was the intensification of conflict. However, COVID-19 cases have also been surging. And as many as 3 million Afghans who depend on farming in the northern and western provinces are at risk of drought.

Almost [17 million people](#) are experiencing serious food insecurity. More than 3 million women and children are acutely malnourished. A senior UN official [warned](#) on September 1 that food stocks in Afghanistan could run out within one month. Maternal health care has seen some improvement but has always been limited. However, these gains are now at risk. Some 3.7 million Afghan children are out of school. The number of children out of school is especially high in displaced communities. Large proportions of Afghan civilians (79 percent of adults and 17 percent of children) are living with some form of disability.

Limited Humanitarian Access

With demand for aid growing, relief groups have found it increasingly difficult to reach those in need. This was true even before the Taliban seized power. In July 2021, the [UN reported](#) that the number of incidents in which humanitarian access had been obstructed had spiked from 336 in the last quarter of 2020 to 593 in the second quarter of 2021. Of these later incidents, 461 were believed to have been perpetrated by the Taliban. Following the Taliban takeover, [the United Nations](#) and [other relief agencies](#) indicated they would “stay and deliver” humanitarian aid and other forms of life saving assistance. While the Taliban say they will guarantee the safety of diplomatic staff and aid workers, their track record suggests otherwise. The UN Secretary General recently

acknowledged that UN national staff were experiencing “[harassment and intimidation](#)” at the hands of the former insurgents.

Taliban Abuses of Internationally Recognized Human Rights

In recent months, reports have indicated that Taliban commanders have implemented restrictive and abusive practices as they capture territory. The United Nations High Commissioner for Human Rights has described [credible reports of serious violations of international humanitarian law and human rights abuses](#) including targeted killings and executions in many areas under effective Taliban control. Threats and attacks against civil society leaders—including human rights defenders, journalists, and leaders of minority communities—have become commonplace. Shi’a and Hazara communities are at particular risk. A [clampdown](#) on media and radio stations is also apparently underway.

Taliban units have begun enforcing strict requirements upon local women in a number of districts. Some of these [abusive practices](#) include immediately closing girls' schools, restricting women's movement, forcing women to leave their jobs, and even [assassinating](#) women such as [journalists](#) who threaten the Taliban's grip on power and their image. Some Afghan women speak about “[their fear of being killed simply because they are female](#).” The extent of these abuses varies according to the nature of the Taliban forces in control of particular areas, but at least one common thread runs throughout all parts of the country; the Taliban is showcasing its authority by controlling and threatening women and girls.

Insufficient Resources

Over the past two decades, the Afghan government has depended on donor support to fund essential services like health care, including the limited health care available to internally displaced people. But the level of international funding has been falling for years. At a 2020 conference in Geneva, donor pledges for Afghanistan for 2021-2024 were between \$12 billion and \$13 billion—at least \$2 billion, or 20 percent, less than for the prior four-year period. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA) Financial Tracking Service, the current year’s humanitarian response plan for Afghanistan was only [39 percent](#) funded as of early September 2021—far less than what is needed.

Responding to a More Dire Humanitarian Situation Within Afghanistan

As mentioned, massive displacement that was exacerbated in recent months, a range of conditions that augment the need for humanitarian assistance, and a lack of donor

funding all create conditions for great deprivation. To be sure, the United States and other governments will be very reluctant to establish diplomatic relations and aid arrangements with a Taliban government. At the same time the government of the United States and most donor governments are members of the [Good Humanitarian Donorship Initiative](#). That Initiative endorses key international humanitarian principles—and, in particular, “humanity, meaning the centrality of saving human lives and alleviating suffering wherever it is found; [and] impartiality, meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations.” Thus, it is obvious that the United States and other governments should, consistent with the requirements of security and integrity of the delivery of relief, seek to promote the provision of humanitarian assistance to affected communities within Afghanistan.

Responding to Imperatives Around Displacement and the Need to Flee Afghanistan

Of course, many among the hundreds of thousands of Afghans who are at risk of persecution will seek refuge elsewhere, as will Afghans for whom conditions become unlivable due to dire humanitarian conditions. To avoid causing further harm and to fulfill their international obligations, governments of countries surrounding Afghanistan and governments of other countries to which Afghans may seek to flee must prepare to facilitate safe passage and access to protection.

A refugee “crisis” is not inevitable. Swift planning for a practical, rights-based, coordinated response, shepherded by international organizations in partnership with local NGOs and adequately funded by donors, can mitigate the suffering displaced Afghans endure.

With the airport evacuation operation completed, Afghans are seeking or hoping to make their way overland to crossing points into neighboring countries. Afghanistan’s immediate neighbors will face challenges. The UN Refugee Agency estimates that, in a worst-case scenario, as many as 500,000 Afghans could flee the country over the remainder of the year. The vast majority are expected to seek refuge in Iran and Pakistan, which already host more than 2 million registered Afghan refugees (and many more undocumented Afghans). It may take time for such a scenario to take shape, especially with Taliban restrictions on movement—Afghans moving across the border during and since the Taliban takeover still only number in the thousands. However, if nothing else, the experience of the U.S. withdrawal has once again underscored the imperative of preparing for a broad range of potential outcomes.

Humanitarian diplomacy on safe passage for at-risk Afghans is underway. On August 29, over 90 countries issued a [joint statement](#) reinforcing that they had “received assurances from the Taliban that all foreign nationals and any Afghan citizen with travel authorization from our countries will be allowed to proceed in a safe and orderly manner to points of departure and travel outside the country.” On August 30, the UN Security Council passed [Resolution 2593](#), which took note of “the Taliban statement of August 27, 2021, in which the Taliban committed that Afghans will be able to travel abroad, may leave Afghanistan anytime they want to, and may exit Afghanistan via any border crossing, both air and ground, including at the reopened and secured Kabul airport, with no one preventing them from traveling, [and] expects that the Taliban will adhere to these and all other commitments, including regarding the safe, secure, and orderly departure from Afghanistan of Afghans and all foreign nationals.” According to Reuters, a senior Taliban spokesman has indicated that ["people will be able to travel at an any time into and out of Afghanistan."](#) The Reuters report with that statement further noted that the official said that Afghans *with valid travel documents* [our emphasis added] would be able to travel.

Unfortunately, the Taliban continues to restrict cross-border movements, and those who might have such documentation have credible fears that they will be both prevented from leaving and at risk of abuses. Moreover, the Taliban has yet to demonstrate a willingness to permit the exit of those who may need to flee but are without adequate documentation.

Elements of a regional refugee response framework were already in place prior to the events of the past several months. In 2019, Afghanistan, Iran, and Pakistan, together with UNHCR, established a [Support Platform for the Solutions Strategy for Afghan Refugees](#) (SSAR). The initiative was to coordinate and mobilize donor resources for a regional response to the needs of displaced Afghans and their host communities and to promote solutions. Although the future of that platform may be in doubt, it did establish something of a framework of engagement for dozens of governments and agencies.

Pakistan

Pakistan is home to an estimated [3 million Afghans](#), of which [about 1.4 million are registered](#) as refugees. Pakistan will also likely be the first country of refuge for the majority of newly displaced Afghans. Despite its hosting Afghan refugees, the country is not a signatory to the 1951 Refugee Convention and has no national refugee legal framework. However, [UNHCR has a mandate](#) to conduct refugee status determinations (RSD). Afghan refugees, in particular, undergo a dedicated registration exercise to secure Proof of Registration (PoR) cards.

Although PoR cards, valid for two years, grant temporary legal stay and freedom of movement, Afghan refugees enjoy few other rights in Pakistan. They [cannot buy property, open bank accounts](#), or attend Pakistani schools, and do not have regular

access to the public healthcare system. The Pakistani government has repeatedly urged—[and sometimes forced](#)—Afghan refugees to return home, but fewer have done so recently in light of [growing insecurity and the effects of COVID-19](#). Access to rights and services is even more dismal for the more than half of Afghans in Pakistan who are undocumented.

Pakistani officials estimated in July that some [700,000 Afghans](#) could seek refuge. In late August 2021, UNHCR updated its [estimated financing needs](#) in light of developments, increasing its annual requirement for operations in Pakistan from \$108 million to \$115.9 million—of which just 50 percent had been covered.

But with public opinion hardening against Afghan refugees in recent years, Pakistani officials [said in July](#) they “cannot afford to welcome more refugees,” and would [close the country’s borders](#) to Afghans. Perhaps recognizing that cross-border movement would be inevitable, other officials later proposed [setting up refugee camps along Pakistan’s borders](#), preventing Afghans’ integration into host communities and facilitating their future return—voluntary or not—to Afghanistan. By early September, Pakistan appeared to have reverted to a harder line stance, insisting borders would remain closed and pausing informal consultations over the reception of some Afghan refugees along the border.

On the ground, Pakistan’s border to Afghanistan remains open to commercial traffic. Afghans are reportedly crossing into Pakistan via the southern border crossing at Spin Boldak. However, most of those Afghans being allowed through appear to hold special permits, which allow them to cross the border daily on matters related to commerce.

Iran

Iran is host to the second largest population of Afghan refugees—some [780,000 registered individuals](#). Iran has acceded to the 1951 Refugee Convention and its 1967 Protocol and grants access to education, healthcare, and the labor market to registered refugees. About 96 percent of refugees live in host communities, while just 4 percent live in 20 settlements run by the government.

However, UNHCR estimates there are about 2.3 million undocumented Afghans and 600,000 Afghan-passport holders in Iran, many of whom also have international protection needs but lack access to basic rights and services. And although Afghans have a long-standing presence there, Iran has made life more difficult for them in recent years. Authorities have pressured Afghans to return to Afghanistan, sometimes forcibly. In 2020, nearly [860,000 Afghans were deported](#) from Iran. The government has also [curtailed or denied Afghans access to public services](#) and created obstacles for those newly registering or renewing documents. Afghan refugees only recently secured [access to banking services](#) in June 2021. Iran has periodically sealed its borders,

refusing to accept Afghan refugees. Border police are reported to frequently [detain](#), beat, push back, and [even kill](#) Afghans crossing the border.

In its revised annual funding requirements for work in Iran, UNHCR in August raised needs from \$97 million to \$111.9 million, of which [just 27 percent](#) was covered at the time.

The Iranian government has responded to the current situation by insisting it cannot take in large numbers of Afghan refugees. In mid-August, it set up [tent camps in three border provinces](#) to provide temporary shelter, but emphasizes that Afghans must return home as soon as possible. In early August, hundreds of Afghans began to flee to Iran. The government on August 18 ordered authorities in the three provinces bordering Afghanistan to [deny Afghans entry](#), but has since kept the border open. At the time of publication, [UNHCR indicates](#) that the government is “still deciding on what steps new arrivals from Afghanistan will have to take.”

For Pakistan and Iran, isolating Afghans in camp sites on the border would be a mistake. The governments’ focus on returns is misguided, as Afghans’ displacement requirements are likely to be protracted. Any premature returns to a place where their lives would be in danger would breach the prohibition of refoulement, or the forced return of refugees. Crowding refugees into camps could also create a public health crisis amid the ongoing [COVID-19](#) pandemic and impede access to social services.

Afghanistan’s Northern Neighbors

While the majority of Afghans who cross borders are likely to flee to Pakistan and Iran, some could seek refuge with northern neighbors: Uzbekistan, Tajikistan, and Turkmenistan. In anticipation, each country has sought to tighten control of its borders.

Tajikistan has long been a destination for Afghan refugees given the countries’ many linguistic and ethnic ties. As of April 2021, Tajikistan hosted [6,526 Afghan refugees](#). Tajikistan has ratified the 1951 Refugee Convention and 1967 Protocol and has national asylum legislation in place. However, UNHCR lacks even observer status to monitor the quality of RSD procedures and warns the “[protection space \[is\] fragile](#).” Asylum seekers and refugees face obstacles accessing their rights to remain, study, and work in Tajikistan, and even recognized refugees are [restricted in where they can live and work](#). UNHCR warns that COVID-19 “[deepened entrenched vulnerabilities](#)” of displaced people in Tajikistan, leaving them entirely dependent on humanitarian aid, which was insufficient. In July 2021, Tajikistan said it was prepared to receive up to [100,000 refugees](#) from Afghanistan, but has not elaborated on its plans since the Taliban takeover. As of early September, new incidences of border crossings were being reported, albeit in small numbers.

Uzbekistan is not a party to the 1951 Refugee Convention and 1967 Protocol, and historically has not welcomed Afghan refugees. UNHCR has no presence there.

Displaced Afghans are often exploited by landlords, [harassed by police](#), and accused of radicalism. They struggle to access basic rights, social services, and livelihood opportunities. By late August 2021, [about 1,500 Afghans](#) were reported to have entered Uzbekistan, including Afghan [soldiers and civilians](#). The government has “warned that any attempts to ‘illegally’ cross the border will be ‘suppressed harshly.’” At the end of August, Uzbekistan issued a [statement](#) saying that no refugees will be allowed to the country.

Turkmenistan has acceded to the 1951 Refugee Convention and 1967 Protocol, has a national refugee law, and cooperates with UNHCR. In April 2021, UNHCR reported just [21 refugees and asylum seekers](#) there. However, the country has [historically](#) been a destination for Afghans fleeing insecurity, who have been able to [integrate well](#) culturally and linguistically. Still, there is little transparency around the country’s treatment of asylum seekers and refugees. The [government has reportedly](#) forced refugees out and subjected those who do remain to strict controls. Like its neighbors, Turkmenistan is bolstering security along its border with Afghanistan to prevent refugee arrivals.

Turkey

Many Afghans will likely attempt to transit Iran to get to Turkey, itself both a destination and transit country. Turkey is already the largest refugee-hosting country in the world, home to about [4 million people displaced from other countries](#). The vast majority—about 3.6 million people—are Syrians who fled since the outbreak of civil war in 2011. Some [200,000 Afghans](#) make up the second largest group.

However, most displaced non-nationals in Turkey do not enjoy the full extent of rights and protection under international law. Although Turkey is party to the 1951 Refugee Convention, it retains the [geographic limitation](#) that only recognizes as refugees people originating from Europe. Syrians are granted a special [temporary protection status](#), but non-Syrians, including Afghans, lack even the limited protection that affords. They are expected [to register](#) to lodge protection claims and, as asylum seekers, [should have access](#) to some healthcare, education, and work possibilities. In practice, however, Afghans face significant obstacles to realizing these rights and [even to registration](#). Many thus remain undocumented, left [unable to secure basic rights and services](#), vulnerable to [exploitation](#), and at risk of [detention and deportation](#).

Newly displaced Afghans are unlikely to fare better. Indeed, the pandemic exacerbated an already [weak economy](#) and [high unemployment](#), in turn fueling anti-refugee sentiment. Xenophobic [acts](#) and [rhetoric](#) are on the rise from [local communities, officials](#), and [opposition politicians](#). By early August 2021, estimates ranged from [500 to 2,000 Afghans arriving daily](#) from Iran into parts of eastern Turkey, usually following a [treacherous and expensive](#) journey led by smugglers who exploit people seeking safety. In apparent response to public pressure, President Recep Tayyip Erdoğan pledged to

increase border security to prevent Afghan arrivals, including by [erecting a wall](#) and [fortifying existing barriers](#). Many Afghans have been unable to enter Turkey, facing [harassment, detention, and ultimately expulsion](#) at the border.

Even as President Erdoğan [downplays for his domestic audience the number](#) of Afghans entering the country, he is [playing on](#) European [fears](#) of a refugee outflow similar to that which brought around 1 million Syrians to Europe in 2015-2016. At that time, the EU relied on Turkey to block individuals' onward movement to the bloc. Under the [EU-Turkey Statement of March 2016](#), anyone who reached the Aegean islands irregularly would be returned to Turkey. For every Syrian returned, EU Member States were to resettle one Syrian refugee from Turkey. Turkey would also receive political benefits and a total €6 billion through the [EU Facility for Refugees in Turkey](#) (FRIT).

The EU-Turkey deal did reduce the number of asylum seekers reaching Europe. But it is a [discouraging example](#) of the EU's policy of containment and externalization of asylum. Nonetheless, EU leaders are once again turning to Turkey. In June 2021, the European Council had agreed to allocate an [additional €3 billion](#) for humanitarian assistance to refugees in Turkey for 2021-2023. Since the Taliban takeover, [EU](#), [Greek](#), and [German](#) officials have reportedly spoken with Turkish leaders about managing the expected increase in irregular arrivals from Afghanistan. Although Turkish opposition politicians have accused President Erdoğan of looking to [negotiate another deal](#) with the West, government officials [deny that](#) and continue insisting that it is "[out of the question](#)" to host more refugees.

European Countries

Given the limited protections and opportunities displaced Afghans find in the primary host countries, many hope to travel onward to Europe. In 2020, Afghans continued to account for the [second largest population of asylum seekers](#) in Europe, lodging about 50,000 claims. Most Afghan asylum seekers (25 percent) were [in Greece](#), where they make up the largest group of asylum seekers in that country (28 percent). Although there have not been large-scale irregular movements to Europe in recent weeks, the number of Afghan asylum seekers there has been [rising](#) in recent years. However, Afghans face significant challenges to accessing protection in Europe.

Indeed, they face obstacles to even accessing EU territory. For many, the only option is to travel irregularly by sea or land from Turkey to Greece or along the Balkan route. Reports from multiple reliable sources indicate that border authorities [regularly conduct pushbacks](#), often violently keeping asylum seekers and migrants away from EU territory, [failing to rescue ships in distress](#), and even expelling those who have reached Europe's shores before they can claim asylum.

Afghans who are able to request asylum are not guaranteed access to a fair and efficient process. Rules that require asylum seekers [to apply in the country where they](#)

[first arrive](#)—and the absence of a permanent [relocation](#) mechanism—mean most displaced Afghans will have to request asylum in Greece. Failing to bolster Greek asylum and reception capacity could trigger a humanitarian crisis there. As individuals remain stuck waiting for a decision, facilities could become crowded, waits protracted, and access to services curtailed. Already in January 2021, a [German court ruled](#) that two refugees could not be sent back to Greece, where they had first sought asylum, “because of a ‘serious risk of inhumane and degrading treatment.’”

With Member States long unable to agree on a permanent, mandatory regional relocation scheme or [broader regional approach](#) to asylum and migration, Greek authorities seem intent to avoid the responsibility altogether. In June 2021, the government issued a Joint Ministerial Decision [designating Turkey a “safe third country”](#) for asylum applicants of five nationalities, including Afghans. Thus, Afghans will have their applications rejected as inadmissible and be sent back to Turkey where, as described, they lack full protection and risk deportation to Afghanistan.”

But Afghans are not only at risk of deportation from Turkey. Both [the EU](#) and individual Member States, including [Greece](#), have concluded readmission agreements with Afghanistan to facilitate the return of Afghan nationals whose asylum claims are rejected or withdrawn. Under EU law, the concept of an [Internal Protection Alternative](#) allows States to reject applicants if just parts of their home country are considered safe. While [a few](#) EU countries [heeded calls](#) over the summer to cease deportations to Afghanistan, others [insisted](#) they should continue. Some have since reversed course and joined more in [issuing suspensions](#). EU officials affirmed forced returns had [effectively become impossible](#) once the Taliban took Kabul, but it is unclear how long the suspensions will last.

The lack of a common EU asylum system also complicates Afghans’ access to protection. The first-instance recognition rate for Afghan asylum seekers [varies significantly](#) across different EU Member States, from as low as 2 percent in Hungary to 93 percent in Italy. The kind of protection Afghans receive also varies, with most receiving some form of [subsidiary protection](#) in the [first quarter of 2021](#) while others received refugee status or humanitarian protection. The European Commission itself [has called for](#) Member States to develop a common approach to processing asylum applications from Afghanistan to avoid such divergence.

Meanwhile, Afghans have few alternative legal channels to pursue in Europe. EU Member States evacuated hundreds of local Afghan staff who supported the European presence in Afghanistan and the [EU delegation](#) in Kabul. But the evacuees’ legal [status in the EU remains uncertain](#). [No EU countries](#) have established dedicated resettlement programs or humanitarian schemes for Afghans. Moreover, the Commission and Council have [resisted calls](#) from some [EU leaders](#) and [civil society](#) to make unprecedented use of a European [Temporary Protection Directive](#).

The EU Commission [did commit](#) resources to incentivize Member States to launch resettlement programs. But resettlement is a national competence and remains [highly contested](#) among EU States. European efforts have largely focused on providing aid to [Turkey](#), [Pakistan](#), [Iran](#), and other host countries in the region, as well as to [Afghanistan](#), to support displaced people there and [deter their onward migration](#) to Europe. In recent [public statements](#), EU officials have focused on “protecting” EU borders, preventing “illegal migration,” and keeping displaced Afghans in neighboring and transit countries.

Recommendations

The range of challenges presented by the humanitarian crisis in Afghanistan demand an integrated response from the United States, international organizations, and foreign governments.

To the United States:

- **The Biden administration should appoint a special U.S. presidential envoy for Afghanistan and the region.**

A presidential envoy would coordinate and drive U.S. diplomatic engagement, policy, and programs across all elements of the international response. An envoy who enjoys sufficient stature and support from the president would convey the administration’s commitment to ensure the humanitarian and protection needs of Afghans at risk—including the right to flee. This must be a key priority even as the administration deals with other national security and consular issues in the context of this crisis. This envoy would be a crucial connection to interagency efforts to resettle Afghans in the United States led by the White House coordinator and the Department of Homeland Security. The envoy or its office could also negotiate with the Taliban, ultimately to facilitate emigration of Afghans directly to the United States via a program akin to the [Orderly Departure Program](#), which resulted in the emigration of hundreds of thousands of Vietnamese.

- **The Biden administration should press for the establishment of safe passage arrangements, including through humanitarian corridors, to facilitate the flight for at-risk Afghans.**

The Biden administration will need to engage Afghanistan’s neighboring countries, particularly Pakistan, and the Taliban leadership on this issue. This should be done at the highest levels and in conjunction with other donors and the UN Secretary General. It should be made clear to the Taliban that any future relationship with the international community will depend on cooperation in allowing people to depart Afghanistan in line with the terms of a [joint statement](#)

issued by over 90 countries in August 29, [UN Security Council Resolution 2593](#) passed on August 30, and indeed the Taliban's own public commitments on safe passage. The United States and its partners must make clear to the Taliban the consequences – both diplomatic and financial – of continuing to fail to honor these commitments. Inside Afghanistan, the UN mission and select UN agencies will have important roles to play in monitoring and facilitating safe passage by air and land.

- **The Biden administration should continue to use parole authority to bring the most vulnerable Afghans to the United States.**

The Biden administration should use its parole authority to secure the entry of Afghans who are outside Afghanistan but who are in danger, are living in poor conditions in third countries, or are in countries that refuse to continue to host them, violate their rights, or threaten them with return to Afghanistan. Further, if Afghans in the United States have applied for Afghan relatives through the immigration preference system, these relatives could be paroled into the United States to wait for the availability of visas. USCIS should prioritize processing these applications to facilitate family unification. The administration should also facilitate the parole of relatives of Afghan children who have arrived unaccompanied. The administration must also track and reunite relatives who have been sent to different military bases or different cities for resettlement after arrival in the United States

- **Congress should enact the Biden Administration's proposal to accord Afghans benefits commensurate with Refugee Admissions Program benefits and to authorize their adjustment to permanent status.**

Congress should quickly enact legislation that would enable Afghans who have been or will be paroled into the United States to receive refugee benefits and adjust to permanent resident status. Benefits should be available immediately. Adjustments to permanent residence should not offset the number of visas available.

- **The president should announce a refugee ceiling of 200,000 for 2022.**

To accommodate the need for additional Afghan resettlement and to send a signal of support to governments that may be asked to host Afghans who flee, the president should announce a 2022 refugee ceiling of 200,000. He should also create a P2 program for at-risk Afghan ethnic and religious minorities (specifically Shi'a and Hazara) in Pakistan, Turkey, India, Tajikistan, and other countries in the region. He should consider a P2 program for Afghan civil servants, officials, human and women's rights defenders, journalists, and lawyers. The State Department also should encourage UNHCR to increase P1 referrals of Afghans in Pakistan and other third countries. Afghans in the United States should be able

to apply to bring over distant relatives and extended family members through an expanded P3 program.

- **The Biden administration must engage meaningfully with the Afghan-American community.**

The Afghan-American community has a broad range of experience and language and other capacities that give community members great advantages in assisting the resettlement process. State Department contracts with resettlement agencies providing funds for reception and placement of parolees should encourage these agencies (or their affiliates) to partner with Afghan-American organizations. Representatives of Afghan-American organizations should be able to visit and volunteer at the military bases where Afghans arrive. The Refugee Coordinator or Secretary Mayorkas should convene a task force or advisory committee on Afghan resettlement that includes members of the Afghan-American community.

- **The U.S. should provide funding of at least \$5 billion in direct additional funding to civilian agencies.**

To adequately address these compelling foreign policy and international humanitarian policy issues, we estimate that this will require an additional \$400 million to \$600 million in relief assistance within the region, an additional \$300 million to \$600 million in funding for regional governments to support refugees and host communities; an additional \$850 million for State Department programs in support of resettlement of Afghans, an additional \$2.2 billion to \$2.7 billion in funding for HHS/Office of Refugee Resettlement assistance, and an additional \$300 million to DHS/USCIS for processing capacity and legal assistance and support programs. (On September 7, the Biden administration released technical guidance to Congress that is roughly commiserate to these overall totals and Refugees International urges the Congress to support funding of at least this magnitude.)

To the United Nations and International Donors:

- **The UN Secretary General should appoint a UN special envoy for Afghan humanitarian and refugee issues.**

This appointment would convey the commitment of the Secretary General and the UN Secretariat to continual and high-level engagement on humanitarian and protection issues. The special envoy could be empowered to coordinate the international response at the regional level. The envoy's mandate could draw upon the experiences of the regional humanitarian coordinator for Syria, the joint regional UNHCR-IOM platform for the regional Venezuela forced migrant crisis, and the Office of the Secretary General's Special Envoy for Tsunami Recovery.

- **The UN Security Council should substantially modify the UN Assistance Mission for Afghanistan (UNAMA) mandate.**

To be sure, the Taliban may not accept a renewed UN mandate in Afghanistan on terms and conditions that should be imposed, but their posture on this issue will reveal a great deal about their intentions. The UNAMA mandate is currently scheduled to expire on September 17. Elements of UNAMA's mandate may no longer be appropriate for the current political and security environment in Afghanistan. A new UN mandate in Afghanistan should prioritize at least three main tasks: 1) coordination of humanitarian programs, including the delivery of urgent lifesaving assistance and the development and oversight of safe passage arrangements; 2) monitoring and reporting on the human rights situation with a particular focus on vulnerable/at-risk populations (women, ethnic and religious minorities, journalists, Afghan human rights defenders); 3) provision of such political and technical oversight as is necessary to prevent the diversion of international assistance resources and ensure that the delivery of international assistance is consistent with humanitarian standards. Such an extension should also come with guarantees about the safety and security of all international and local staff connected to UNAMA, UN funds and programs, and international NGOs involved in provision of humanitarian aid.

- **Donors should warn the Taliban against attacks on United Nations officials and humanitarian aid workers.**

The Taliban will want relief assistance to continue, their government to be recognized, and UN Security Council terrorist designations lifted, among other measures. Attacks on the displaced and on aid workers should jeopardize any of these outcomes. The United States and other donors should make clear to the Taliban that any attacks on United Nations officials and humanitarian aid workers will not be tolerated. Donors should establish very clear expectations with regard to Taliban behavior, along with the consequences for violating those expectations.

- **Donors should pursue long-term funding and support arrangements for regional host countries.**

There is little to suggest that a new influx of Afghan refugees into the region would be a short-term affair. To prepare for a protracted displacement and to encourage support from neighboring countries, donors and the World Bank should explore the possibility of establishing a refugee compact with Pakistan—and perhaps other neighboring countries—modeled on recent experiences with refugee compacts in, for example, Jordan and Ethiopia. A compact would offer grants and concessional financing to fund essential services and educational

opportunities and create jobs for both refugees and host communities in Pakistan and other neighboring countries. Compacts could help close the humanitarian-development divide, increase refugee self-reliance, make their presence sustainable over time, and improve conditions for host communities.

To Countries in the Region:

- **Pakistan, Iran, and Afghanistan’s northern neighbors should provide refuge to Afghans at risk who seek to flee.**

Pakistan, Iran, and other neighboring countries must keep their borders open and refrain from forcibly returning people to Afghanistan. They should launch a regional humanitarian response that creates safe conditions for refugees, enables their access to rights and services, and facilitates their integration into host communities. These arrangements should avoid forced encampment and closed settlements. As [Refugees International and others](#) have documented, there are substantial benefits of providing refugees access to their rights as early as possible. The rights to freedom of movement and to work, in particular, are essential for refugees’ ability to support themselves throughout their displacement. Host communities can also reap benefits, as [refugees contribute to local economies](#) as workers, consumers, and entrepreneurs. A more inclusive approach could serve the interests of the neighboring countries.

- **Turkey should allow safe passage and improve reception conditions for Afghans seeking refuge.**

The Turkish government should boost the capacity of Turkey’s Directorate General of Migration Management (DGMM) and its provincial offices to promptly register and process asylum seekers. Authorities should not turn away or deny documentation to Afghans applying for international protection. The government should grant temporary protection to displaced Afghans who are both newly arriving and already in Turkey. The government should remove obstacles Afghans frequently face to accessing their rights in practice and further facilitate Afghans’ integration by supporting host communities. Turkish leaders must keep their borders open and not deport anyone to Afghanistan given the unsafe conditions for return.

To the European Union and EU Member States:

- **Uphold access to territorial asylum.**

All EU countries must immediately halt pushbacks, mass expulsions, and other abuses at EU borders that prevent displaced Afghans from lodging asylum claims. Building walls, closing borders, or otherwise restricting access to territory

are unacceptable responses to real or anticipated increases in asylum seekers' arrivals.

- **Secure relocation commitments from EU Member States.**

To avoid the possibility that asylum and reception capacities in frontline EU States like Greece are overwhelmed, the European Commission should increase capacity support for asylum authorities in those countries and mobilize Member States' commitments for a relocation scheme, if necessary. In the longer term, the EU should establish a permanent, mandatory, effective, and rights-based regional solidarity mechanism that equitably distributes responsibility for protection among EU Member States.

- **Ensure access to a fair and efficient asylum process.**

With the support of the European Asylum Support Office, asylum authorities across EU Member States should make consistent protection status decisions for Afghans, basing decisions on objective, up-to-date information about the situation in Afghanistan and individual circumstances of each application. Authorities should also reexamine all negative decisions for Afghan asylum seekers still present in EU countries in light of the developing security situation and foreseeable risks.

- **Immediately halt deportations of Afghans from EU states.**

Recognizing that no area in Afghanistan is safe, the Commission and EU Member States should stop applying the concept of an Internal Protection Alternative and suspend readmission agreements with Afghanistan. Further, Greece should revoke its Ministerial Decision establishing Turkey as a safe third country for Afghan asylum seekers and the EU should end forced returns of Afghans to Turkey under the EU-Turkey Deal.

- **Expand and strengthen resettlement.**

The European Commission should deliver on its proposal to reconvene the High-level Resettlement Forum in September 2021 to mobilize global action around resettlement. EU Member States should make concrete commitments to substantially increase resettlement for vulnerable Afghans and create specialized programs to assist local Afghan staff whose support roles put them in danger. EU Member States should also expand complementary pathways to protection, including humanitarian admissions, expanded family reunification, and labor- and education-related opportunities.

Conclusion

The humanitarian challenges confronting Afghans, in Afghanistan and in countries in the region and across the globe, are certainly complex and formidable. But they are also amenable to solutions. This report suggests several ways forward, and we hope policymakers, practitioners, non-governmental organizations, and Afghan communities around the world will seriously consider its recommendations. We believe they offer the prospect for a brighter future for millions of individuals, in Afghanistan and beyond.