



THE LEGAL STATUS OF AFGHAN REFUGEES IN PAKISTAN

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Abstract

The legal position of Afghan refugees in Pakistan since their arrival in 1979 is examined in this article. This article discusses Pakistan's legal refugee policy for Afghans. Refugees escaping the Russian invasion of Afghanistan have found sanctuary in Pakistan, despite the nation not being a member of the 1951 Refugee Convention or its Protocol of 1967. This is despite the fact that Pakistan does not have a national law that addresses issues related to refugees. Due to the absence of applicable legislation during their time spent in Pakistan, these refugees have been subjected to a variety of challenges. Despite the fact that the Foreigner's Act of 1946 does not apply to them, they have been handled in line with this law. These Afghan refugees' lives have been impacted by a lack of regulation in their homeland. In this section, a quick summary of their entry into Pakistan and the Pakistani government's subsequent policy shifts are provided. An explanation of the change is also provided in this section. This article investigates all of these challenges in addition to potential legal solutions.

Keywords: Afghanistan, Refugees, Pakistan, Protocol of 1967, UNHCR.

Introduction

Human rights abuses are frequently the cause of a refugee's plight. Since many refugees are fleeing their home countries because of an infringement on their fundamental rights and freedoms, they are likely to be subjected to an additional violation: a denial of their



essential rights and opportunities in the new home country. State sovereignty and the related criterion of self-protection and regional hegemony are still used to describe the legal context in which refugees find themselves. International conventions and regulations, on the other hand, have produced contradictory humanitarian values (Goodwin-Gill, 1983). The cornerstone of the global legal structure for refugee protection, the 1951 United Nations (UN) Convention and its 1967 Protocol, tries to avoid this violation. In any case, these traditions once again imply that nations have duties and commitments in their treatment of refugees and haven seekers. As the conflict in Afghanistan erupted in the latter half of 1970, millions of Afghans were forced to migrate to countries like Pakistan and Iran. There are an estimated 200,000 to 300,000 unregistered Afghan refugees living in Pakistan. Pakistan bears the brunt of this enormous humanitarian burden. Afghan refugees in Pakistan are legally dubious because Pakistan has neither ratified the 1951 Refugee Convention or its 1967 Protocol nor does it have any national legislation for the administration of refugees. The difficulty of defining a refugee appears to be eluding the countries that have not ratified any international accords on the subject. Instead, the focus should be on safeguarding interests, for which customary principles of international law should be invoked. For refugee protection in such countries, the most crucial concept is non-refoulement. According to human rights agreements ratified by the state, more benefits may be available in certain countries. It is unnecessary in Pakistan's situation because it has already provided Afghan individuals seeking sanctuary in the country with "prima facie" legal status (Zeick, 2010). This method of determining refugee status isn't unique. When there are a lot of persons involved, it is often used as a last resort. In August 2001, Pakistan changed its policy and began determining the status of Afghan refugees in designated camps by involving individuals rather than a collective effort, matching a change in policy that had already taken place.

According to Pakistan's internal national and international political and humanitarian concerns, the Government of Pakistan (GoP) administers refugee issues administratively (Khan, 2018). After the Soviet attack on Afghanistan, the UNHCR was only allowed to deal with Afghan refugees in its negotiations. For UNHCR-registered Afghan refugees, Pakistan's Ministry of SAFRON normally grants them unlimited temporary residence visas. UNHCR-protected Afghan refugees will be allowed to stay in Pakistan as long as they are covered by Pakistan's government's declared policy. People who are forced to quit their homes and are provided temporary asylum elsewhere are not presented with permanent residency in Pakistan. " Unless backed up by parallel promises within the local systems of the many nations that make up the international community, universal pledges for refugee protection are plain of little use on their own. According to this, there is a clear need for international and national law to be in sync. States' readiness to examine and apply international refugee legislation to individuals it is meant to protect is essential, but it



is not sufficient in and of itself. To put it another way, the terms of international refugee treaties that the host or accepting State has implemented into domestic legislation can be beneficial to refugees on a practical basis (Ahmed, 2014). The Afghan refugee situation in Pakistan has evolved over time, unlike other refugee and migration difficulties that Pakistan has experienced since its foundation. An investigation into Pakistan's policies toward Afghan refugees and related administrative measures (local legislation and ad hoc administrative measures) will be presented in this article.

An Overview of Afghan Refugees

For the last four decades, Pakistan has housed the world's second-largest refugee population, in the form of Afghan refugees, since the Syrian refugee crisis began. In the 1980s, when things were at their worst, about 3.5 million Afghans left their homes. Pakistan and Turkey are currently home to the second-most refugees in the world. These people are fleeing the war in Syria (Afghans). During the early stages of the Afghan evacuation, human rights groups and the UNHCR praised Pakistan for its open border policy. Analysis shows that the present political deadlock is to blame for these arrangements, not the Government's determined approach to dealing with Afghan refugees. In actuality, the government was left with no way to respond to the initial flow of refugees as a result of this deadlock among long-established institutions about arrangements for Afghan migration. This, in turn, sparked a variety of responses from government agencies and local governments alike.

Over the past 30 years or more, about 35 per cent of Afghanistan's refugees have lived in Pakistan, with the addition of a few more arrivals in the mid-80s, when there was a severe war, and in 1990 after Russia's withdrawal. About a third of Pakistan's 1.8–2.0 million registered refugees are living in camps run by the UN High Commissioner for Refugees (UNHCR). But it is thought that many thousands of Afghan refugees who are not registered live in cities and towns in Pakistan. Since the GoP had never officially recognised Afghan refugees, no one knew how many there were in Pakistan until 2005. In 2005, the Pakistani government and the UNHCR agreed to work together on a census. This led to the largest part of this population being listed in 2007 and the UNHCR keeping records of people who have been helped to go home since 2005.

Since the late 1970s, there have been three distinct waves of Afghan refugees seeking refuge in Pakistan. It all started with the civil war in 1979, the Soviet exit from Afghanistan and following civil turmoil in the late 1980s, and then the United States began its "war on terror." Almost eight million Afghans have been forced to flee their homes as a



result of the bloody inter-war fighting and external involvement elements that have lasted for forty years (Kronenfeld, 2008).

Pakistan's KPK Province, previously the North West Frontier Province, was the primary entry point for the bulk of Afghan refugees (NWFP). According to the UN Refugee Agency, there are now 1.4 million Afghan refugees registered in the United States (UNHCR). As a result of Afghanistan's nomadic history, many displaced Afghans had family and friends in Pakistan's neighbouring tribal regions who shared a Pashtun nationality, which is important to remember. The true situation was that around 75,000 Afghans invaded Pakistan each year before 1970. (Oberoi, 2006). So, before the conflict started, it was normal for people to move between the two areas. In 1979, on the other hand, most of the people who left their homes were women, children, and older people who were afraid for their lives (Oberoi, 2006). For the next forty years, the Afghan refugees' movement was overshadowed by this figure. Three fundamental criteria may be used to evaluate the extent of assistance for Afghan refugees in Pakistan. Due to well-known circumstances such as the Cold War between the two blocks, help to Pakistani refugees increased in the late 1970s and early 1980s, but it dwindled following the withdrawal from Afghanistan and contributed to the disintegration of the USSR in the mid-1990s. There were fewer resources available to support Afghan refugees in Pakistan because of the economic downturn of the 1990s. In order to cope with the soaring refugee population, Pakistan had to draw heavily on its own limited resources. Terrorist assaults on a worldwide scale escalated as a result of September 11, 2001, terrorist attacks in America. The geopolitical landscape of the area shifted, and Pakistan became part of the U.S. coalition in the "War on Terror."

The government of Pakistan first benefited financially and militarily from the refugees, which improved Pakistan's global standing. Pakistan was applauded by the world community for its concern for Afghan refugees. Pakistan and the United States had a tight relationship during the Soviet conflict, with the U.S. providing money for Pakistan's army and Afghan resistance fighters. There is no denying that the Afghan refugees (AR) are usually accused by national authorities of the so-called "drugs and Kalashnikov culture" (Oberoi, 2006). The civil conflict in Afghanistan continued to push Afghans into Pakistan even after Soviet soldiers were withdrawn in 1989. In the late 1990s, the Pakistani community and government were damaged by this long-term relocation, which led to anti-Pakistani sentiment. Due to the tiredness of the contributors, aid from the rest of the globe declined at this time. Following the breakup of the USSR and shift in the global framework, outside countries worried about Afghanistan's communist terror lost interest in the nation. It was in 1995 when Pakistan's World Food Program (WFP) cut off food aid to the A.R. due to dwindling donor funds and a review that concluded food aid was no longer



essential. Afghans were compelled to escape to Pakistan as a result of the Taliban government's savagery, despite the UNHCR's announcement that it planned to conclude its refugee programme by the end of 1998. They became undesirable and damaging to society as a result of the reasons mentioned above. Illegal immigrants have been barred from entering Pakistan since November 2000, when Pakistan closed its borders with Afghanistan for the first time.

Pakistani Legal Policy for Immigrants and Refugees

The Foreigners Act, passed in 1946, is Pakistan's primary law governing foreigners on the country's land. It addresses issues related to foreigners' admission into Pakistan, their stay, and their departure. In 2000, Pakistan's Foreigner's Order of 1951 was amended to allow Pakistan to deny entry to any foreigner who does not have valid travel papers. A distinction has been made between refugees and other immigrants, but there is still no system in place for refugees. It is also possible for authorities to restrict foreigners' travel and living arrangements inside Pakistan, as well as oversee their detention or arrest (Human Rights Watch, 2002). Since all immigrants and refugees in Pakistan are considered illegal aliens unless otherwise established, Pakistani authorities have the right to hold them if they do not have the proper travel documents and visas. The Ministry of SAFRON and UNHCR are in charge of making the majority of requests and applications for the release of refugees (States and Frontier Regions). Refugees who have been recognised by the UNHCR are regarded as if they are undocumented migrants wanting to return home. There has been a long overdue authorisation for these Afghan refugees to legally remain in Pakistan until September 2018. This was made feasible by a census conducted in 2005 and the delivery of about 2.16 million Proof of Registration (POR) cards to Afghan refugees who enlisted at that time. The Afghan government considers any Afghans older than five who do not possess a POR to be unlawful aliens. Lacking refugee-related legislation, Pakistan's present rules are insensitive to those looking for a new home. The applicable federal legislation, the Foreigners Order, disregards the 1951 Convention Relating to the Status of Refugees by permitting immigration officials to grant or deny entrance authorization based on legitimate travel papers (Younas, 2018.). However, despite welcoming Afghanistan's second-largest number of refugees for over four decades, Republicans have not signed any refugee-related international agreement or convention.

A number of international instruments have been sanctioned by the GoP since 2004; these include, but are not limited to the Convention on the Elimination of All Forms of Racial Discrimination also in 1996, the Convention on the Elimination of All Forms of Discrimination Against Women in 1996 and the Convention on the Rights of the Child in 1990. As long as it isn't shown differently, refugees in Pakistan are treated as illegal



migrants. As a result, some of them have a fragile presence, and they are routinely targeted by national authorities, blackmailed, and threatened with incarceration or expulsion. Women and children, for example, endure a disproportionate burden of these abuses in such a community. With regard to refugees, Pakistan's Interior Ministry is in charge of overseeing their visas, as well as registering their status. The National Aliens Registration Authority (NARA), a ministry branch, has been registering non-citizens as "outsiders" since 2001. As a sub-division of the Ministry of SAFRON, the Commissionerate for Afghan Refugees (CAR) handles the Afghan refugees along with other international organisations including the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and others. Asylum seekers and illegal immigrants are flooding into the country because the government lacks a strategy for dealing with them and the country's borders are porous. Pakistan's inconsistent treatment of refugees has been caused by political worries about security and a situation that isn't very helpful. People who came to Pakistan illegally because of other problems are treated as such. Because of this, there are about 2 million Bengalis living in Pakistan without permission. They work in the carpet and fishing industries, as well as in private homes as housekeepers. People who are running away from persecution in places like Burma, Iraq, Somalia, or Iran, do not enjoy the protection of the state since their governments have not recognised them as refugees in accordance with international rules. In the late 1970s, when tens of thousands of Afghan refugees were flooding across the border, Pakistan was forced to let the UNHCR set up shop on its land. This was so the UNHCR could help and make things easier for them. Officially, Pakistan didn't let refugees work on its land until 2003 when the government made a deal with the UNHCR that let refugees from other countries work too.

The Three Waves of Influx of Afghan Refugees

The first wave of influx (1979)

Since the Soviet Union's bombing, followed by the Soviet departure and the ensuing civil war, and finally, the United States' war on terror—Pakistan has seen three major waves of refugee arrivals in recent years. In spite of these geopolitical effects, the fact that Pakistan, which was mostly built on Islamic beliefs and values, took in Afghan refugees, cannot be explained. During the late 1970s, the civil war in Afghanistan sparked the first wave of refugees fleeing to Pakistan. When Daoud was ousted from power in 1977 by Marxists who had replaced King Zahir Shah in 1973, Afghanistan was taken over by an entirely new government. Civil conflict erupted between Pashtoons and other minorities, notably Uzbeks, Tajiks, Turkmens and the Hazaras, during the Soviet administration in Afghanistan, which finally led to a war of freedom. Due to the predicament of Afghan refugees, the Soviet Union and the United States were at odds throughout the Cold War.



"Proxy wars" were waged by the superpowers to avoid nuclear war, but they were also used as pawns to play geopolitical games with growing nations and their citizens. The Soviet Union invaded Afghanistan on December 24, 1979. As a result, the United States gave aid to individuals who wanted to oppose the Soviets, such as Pakistani ruler Zia-ul-Haq and Afghan soldiers (Mujahedeen). As a result of the conflict and turbulence that followed, a huge number of Afghans moved into Pakistan. (Lischer, 2005).

Rural farmers made to flee their homes and farms by the Soviets in 1979 made up the majority of those displaced (Lischer, 2005). Immigrants from Afghanistan were immediately acknowledged by the GoP, and their affairs were delegated to provincial administrations in the NWFP and Balochistan. As a result of their similar experiences, Afghan war factions in Pakistan were able to achieve common political goals and unite their power. Resistance organisations "assumed a crucial role in [refugee tent village] boards and organisation of community affairs," as researcher M. Nazif Shahrani points out in his study. Almost all of the refugee men dedicated time and effort to fighting Afghanistan's resistance (Lischer, 2005). Nearly half (48 per cent) of the people living in refugee camps are children, followed by women (28 per cent), and then males (24 per cent). "The living standards of the majority of refugees are considerably higher as opposed to their prior situation and compared to the local groups," according to a UNHCR evaluation in 1987. (Lischer, 2005). Migrants' living standards improved throughout time, resulting in tension and competitiveness between the refugees and the local population. Refugee camps are seen by Kenyon-Lischer as sanctuaries for Afghans living in Pakistan and a haven for terrorists. In any event, she fails to take into account the psychological aspects of Afghan refugees' own well-being. The UNHCR's and international law's definition of refugee disregards refugees' religious beliefs and practices. The role of women in Muslim culture, particularly in the context of refugee crises, necessitates the consideration of religion.

The second wave of influx (1989)

During phase II, Pakistan's relationship with Afghan refugees took a turn for the worst owing to geopolitics. Because of the lack of global concern and assistance, local populations developed a negative attitude toward the migrants. Despite the withdrawal of Soviet soldiers from Afghanistan in 1989, the bloodshed that led to the establishment of the Taliban government in Afghanistan in 1996 kept refugees migrating into Pakistan. For Afghan refugees who had been taught by the Taliban in Pakistani madrasahs in 1994, the Taliban was a fundamentalist Islamic movement that grew out of their radicalization (religious seminaries). Some Pakistani clerics (mullahs) who were in refugee camps taught them the extremist version of Islam known as Deobandism. Many madrasahs were created in Pakistan's tribal areas bordering Afghanistan during the conflict years. There were free



educational opportunities for both Pakistanis and refugees, as well as military training in these schools. Many young people were compelled to participate in the recruiting effort because of widespread poverty and joblessness.

As a result of this long-term deportation, Pakistan suffered greatly, and what had been a cordial welcome in the late 1990s turned unfriendly. Pakistan was ruled by a partnership of the Muslim League and the Pakistan People's Party during the majority of the 1990s. Donor weariness and geopolitical developments also contributed to a decrease in global aid this time around. Due to Afghanistan's internal strife, those worried about a socialist threat in the nation lost interest when the Soviet Union came apart and the world order shifted. UNHCR's help and global food aid have decreased significantly. It was because of these factors that the public and the government in Pakistan began to view Afghan refugees in an increasingly hostile way." When General Musharraf, a military coup leader, took office in 1999, Pakistan blocked its borders to Afghan refugees, claiming that it could never again absorb the cost of so many refugees without the support of the world community. Islamist and secular aid organisations continued to support Pakistan, but it was insufficient in order to deal with the problems of Afghan refugees. Muslim refugees' rights cannot be guaranteed only by Islamic Refugee Laws, and international aid is needed to find a solution for their situations.

The third wave of influx (2001)

In October 2001, the government of President Musharraf established a Presidential Relief Fund to collect money for aid, rehabilitation, and the transfer of Afghans who had crossed the Pakistani border without authorization (Shahzad, 2001). Although Pakistan's close border agreement with Afghan refugees was maintained by Musharraf, rather, Islamabad has stated that the amount of refugees it has been helping has beyond its capability. Islam became a prominent issue in Pakistani politics under Musharraf, helping to unite a nation split along ethnic and linguistic lines. to prevent mainstream secular politicians from obtaining political power, the government tried to retain the state under military and civil administration control (Haqqani, 2004- 2005). Musharraf's administration also took a hard stance against religious fanatics. "The majority of political crises in modern globe afflict Muslim people and states," Musharraf told the New York audience in an address in September 2003. because they were allowed to fester, these tensions have given rise to fanaticism (Iqbal, 2003). That in no way reflect the tolerant spirit and foundations of Islam, he stated that in no way reflects the perverted presentation of the Sharia/Islamic law by established, misguided interests. Immediately following the September 11 attacks, Musharraf reorganised the Pakistani military and removed commanders having ties to Islamic terrorists and the Taliban. Pakistan's rising antagonism against Afghan refugees reflected its fight against radicalism. The Pakistani government, which at first welcomed



Afghan immigration with open arms, later revealed itself to be a hostile nation and significantly contributed to the secularisation of this community. After the United Nations High Commissioner for Refugees (UNHCR) withdrew its assistance in 1998, the GoP criticised Afghan refugees, alleging a rise in crime, drug abuse, and a downturn in the economy, among other problems. The border with Afghanistan was closed in 2000 as a result of the perception that A.R.s posed a threat to national security. When the displaced Afghans were ordered to either return to Afghanistan or move to alternate camps along the border, the international requirement of repatriation was disregarded. Pakistan defended its refugee programme on the grounds of security, especially in light of the Taliban's rising power and popularity (Munir Akram).

When Musharraf was in charge, Pakistan's military and government apparatus were still under his control, although with a shaky hold. As a result of his close links to the United States and his decision to launch an anti-terrorist operation in Pakistan's tribal areas, Musharraf came under heavy criticism. Elections held in Pakistan in February 2008 resulted in a loss for Musharraf and his allies. To remove Musharraf from power, a coalition of PPP and PML(N) members teamed up with each other. Newly elected democratically-elected leaders nonetheless faced obstacles in their new roles. The suicide attacks on Islamabad's Marriot Hotel on September 20, 2008, heightened tensions between the government and Islamists. Terrorists may destabilise Pakistan's capital city and the growing power of the Tehrik-e-Taliban Pakistan (TTP) can be seen in this occurrence (Johnstone, 2008). The Pakistani government started air and ground operations against rebel organisations in an attempt to diminish the TTP's strength in the tribal areas. Military soldiers in the Federally Administered Tribal Areas (FATA) have engaged in operations since 2001, but many are still unwilling to face militants of the same ethnicity and faith as themselves (Revill, 2008). As the conflict in FATA continues, it has grave ramifications for national unity and the lives of individuals who reside there. Over two million Pakistanis have been forced to flee their country as a result of this conflict, many of whom have sought refuge in neighbouring Afghanistan (Khan M. I., 2009). The likelihood of the government of Pakistan (GoP) withdrawing aid to Afghan refugees is increasing as Pakistanis are uprooted from their homes. The NGOs and government need to do more to help internally displaced people in Afghanistan and Pakistan as a result of this.

Discussion

In general, the host country's openness to refugees is reflected in the laws and techniques it employs to influence them. How refugees approach their search for safety and assistance, as well as how happy they are in their new country of initial refuge or resettlement, are directly related. Per the 1951 Convention on the Status of Refugees, persons who flee



untrustworthy and/or brutality-ridden situations are granted refugee status at first sight (ie, given the status of refugee in the group, rather than on the basis of individual evaluation). Considering how many people are migrating to underdeveloped countries, where they lack the means (both human and monetary) to complete "person status determination," this is especially pertinent. As a matter of fact, registration as a method for legal protection, access to help, and reliable data collection on the number and location of refugees is important, but it isn't always possible to achieve. Afghans who have sought asylum since the USSR's invasion are still recognised as refugees by Pakistan despite the fact that Pakistan does not participate in any convention on refugee-related issues, as previously stated The Government of Pakistan's Handbook on Afghan Refugee Management, published in 1981, states that Afghan citizens requesting asylum would be granted temporary asylum on humanitarian grounds since they share ethnic, religious, and social values with those living on the other side of the border. According to the GoP's stance, they sought to register the migrants when they first arrived. As a result, the procedure of registering refugees in Pakistan became intermittent in the late 1970s, practically disappearing into Pakistan's mainstream population. Refugees and their families were given pass-books (Shanakhti/personality papers) by the GoP in the mid-1980s to serve the dual function of obtaining identification documents and assistance (Mohmand, 2018).

Every now and then, starting a few years ago, the GoP began registering newly arrived refugees by handing them passbooks that could only be used to receive support and could not be used for any other reason such as proving their identity or protecting them from harm. There have been no efforts since then by the government or the United Nations Refugee Agency (UNHCR) to register refugees, issue identity papers (IDs), or grant valid status to them. After the UNHCR affirmed the enumeration review of Afghan refugees in camps and non-camps in 2005, the UNHCR mandated that these refugees be registered by mid-2007. International law is damned. The UNHCR, however, and much of the world community ignored the lack of legal protections for refugees since, for the most part, refugees in Pakistan did not have to deal with many protection difficulties between 1980 and 1990. Because Pakistan's host population was generally sympathetic to its refugee population, many of them had managed to integrate socially and economically into Pakistani society, even though they had no legal status. As a result, many educated Afghans were forced into the non-formal sector as domestic servants or labourers in construction, carpet weaving, and brick manufacturing, among other jobs, because of their lack of lawful status.

From the mid-1990s onward, the Pakistani government's attitude toward Afghan refugees shifted owing to a decrease in donor funding, which resulted in a decrease in UNHCR aid, such as food and other necessities. Pakistan's economy began to decline at the same time as



donor fatigue set in, which resulted in an increase in competition for scarce employment, health care, and housing among Pakistani natives and refugees. This pushed the refugees out of camps and into metropolitan areas. Refugees from Afghanistan were no longer tolerated by Pakistanis. In 1999, the Government of Pakistan ceased to recognise new entrants as refugees on the basis of their circumstances. As of 1999, all Afghans who entered Pakistan without a valid visa or passport were treated as illegal immigrants and not refugees (Mohmand, *The Status of Afghan Refugees in Pakistan*, 2018). In the late 1990s, the government became less willing to provide land for refugee camps because of the overpopulation and deterioration of sanitation and security as a consequence of insufficient aid. Concerns about refugees' lack of legal status and protection arose as more and more people fled refugee camps in quest of financial assistance and educational prospects. In November 2000, the GoP decided to arrest and expel Afghans who had entered Pakistan illegally, as well as those Afghans who had been living in Pakistan at the time. According to the GoP, between the end of 2000 and the middle of 2001, it returned around 7633 Afghans, most of whom were men and boys.

Pakistan's decision in 2000 to close its borders with Afghanistan to new arrivals led to the disappearance of people who crossed illegally but didn't tell the UNHCR. This made the number of "invisible urban refugees" grow. Refugees living outside of camps are usually forced to deal with living in rural areas or ghettos, which are often characterised by poor living circumstances, deadly hazards, and a high prevalence of illegal social activities. In such circumstances, urban Afghan migrants encountered an increasingly antagonistic atmosphere from the locals. Immigration and poor earnings for jobs have fueled a rise in leases and a loss in monetary options for the local population. The local populace's growing hostility and the local government's harassment of these urban exiles resulted in a helpless situation and dangerous conditions for everyone involved. Refugees' plight was made worse by the GoP's stated position that they had no right to look for work in this country. However, in May 2004, the GoP officially changed its position and allowed refugees registered with the UNHCR to work (Khan F., 2018). While working in both informal and formal sectors, refugees faced intimidation and abuse at the hands of their employers. Families of all sizes, including those with small children, had to work hard for low wages in order to survive.

The situation did not alter despite the bombing that was commanded by the United States and carried out in conjunction with Pakistan. Late in 2001, a considerable number of Afghan refugees were making their way to neighbouring countries, but the United States government did not change its policy of keeping the border closed. The international community resumed considering the idea of Afghan refugees returning to their country for the first time in a very long time as soon as the Taliban was defeated. This was the first



time in a very long time. As part of the Tripartite Arrangement, which also included the United Nations High Commissioner for Refugees (UNHCR) and the government of Afghanistan, the Pakistani government agreed to provide Afghan refugees with an opportunity to return to their homes with the assistance of UNHCR until March 2006. This opportunity was later extended to December 2006, and then again to December 2009. Currently, the arrangement is being considered by the federal cabinet, with the expectation that it will be further extended until June 2020. In this section, I want to make it very clear that granting an extension is not the solution, and that the government of Pakistan has to enact appropriate legislation in order to find a long-term fix to this problem. These refugees have been living in our country for more than 40 years; thus, it is imperative that we find a resolution to their predicament and put an end to this controversy once and for all.

Conclusion

According to the definition of refugees established in the 1969 OAU Convention, Pakistan has had a tolerant posture toward Afghan refugees in practice, which is consistent with Pakistan's policy (OAU). Even though Pakistan is not a party to any international agreement on refugees and even though there is no refugee-specific national legislation, the Pakistani government is confident that it has adequately protected the Afghan refugees who have been living in Pakistan for the past four very long decades because of the generous administrative measures that it has implemented. The problem of refugees cannot be solved by administrative measures alone. There are many possible answers to the present refugee crisis, and they must be taken into consideration while drafting new legislation at the national level. In order to establish a long-term solution for Afghan refugees in Pakistan, the international community's help is essential because Pakistan cannot handle this challenge on its own. Since the Soviet Union's invasion of Afghanistan over 40 years ago, Afghan refugees have been living in Pakistan, and the international community should take action to protect their safety by supporting Pakistan's government in its efforts to satisfy the needs of these refugees.



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