

Managing Protracted Displacement: Pakistan's Legal Framework and Policy Approach toward Afghan Refugees

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Abstract

One of the most prolonged refugee crises in modern history is the forced migration of Afghan citizens into Pakistan. Masses of Afghans have felt compelled to seek safety in the border in Pakistan because of waves of chaos, political unrest, and economic decline since the Soviet Union invaded in Afghanistan in 1979. Pakistan has welcomed in one of the globe's biggest refugee populations within the last forty years, harbouring both registered and unregistered Afghan citizens. Since many Afghans of the subsequent and third generations have been raised in Pakistan, many refugees have developed persistent psychological, cultural, and economic relationships inside Pakistani communities. This extended existence has culminated in major legal, humanitarian, and economic issues. At the same time, Pakistan's place in as a host state presents significant budgetary, economic, and safety concerns. The administration of a large refugee population has placed a burden on employment markets, public infrastructure, and border management systems, particularly in context of limited foreign funding and altered regional security circumstances. Despite not becoming a signatory to the 1951 Refugee Convention, Pakistan has depended on specific legal systems and transitional accreditation regulations to oversee its acceptance of Afghan refugees while advocating unilateral repatriation on a regular schedule. This study examines Pakistan's Afghan refugee strategy in a fair and legally sound manner. The paper aims to move beyond disputed narratives by researching the history of Afghan displacement, the domestic legal framework that regulates refugees, and the disparate humanitarian and safety considerations that influence state responses. It contends that sustainable solutions necessitate a balanced framework that includes sovereign rights and refugee protection by enhanced documentation procedures, international cooperation, and well-organized repatriation measures.

Keywords: Afghan Refugees, Customary Law, Documentation, Governance, Humanitarian Concern, Migration, Non- Refoulment, Repatriation, Security

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Introduction

One of the most important and difficult displacement situations in recent times is the presence of Afghan refugees in Pakistan. After the Soviet Union occupied Afghanistan in December 1979, over three million Afghans had to flee over the border into Pakistan. Religious cooperation, ethnic ties to Pashtun groups, and Cold War political objectives all influenced Pakistan's mindset at the time. For a period of over twenty years, refugees have been staying in camps through Khyber Pakhtunkhwa and Baluchistan, and their presence was typically presented as humanitarian. (Ghufran, 2011) But throughout a period, the framing has changed. Afghan refugees' worries regarding the spread on weapons, illicit drug trade, and terrorists were made harsher by the events of 9/11, a rise in militancy in the region, and regional safety concerns. Since Pakistan is not a member to the 1951 Refugee Convention, it continues to rely on the colonial-era Foreigners Act of 1946 for managing refugee claims. Afghans are regulated by ongoing crackdowns, arbitrary detention, and forced removal efforts since the judicial system has no distinction between refugees and illegal immigrants. The state believes that sovereignty comprises the capacity to forbid immigration and stay, and that the entrance of foreign nationals may not be uncontrolled. (Hajizada, n.d.) Afghan refugees had spent almost 40 years in Pakistan during the same period. Many lack personal connection to Afghanistan and have grown up in major cities or refugee camps. Their presence has had an important impact on the local economy, especially regarding transportation and trade as well as agriculture, as Afghan labor remains crucial to cultivation in areas like Killa Abdullah, Baluchistan. Protections under law have remained few, though. Children born in Pakistan to Afghan parents are not conferred citizenship, and Proof of enrolment cards offer only temporary status. Refugees frequently state harassment, extortion, and being excluded from society, and they experience restricted access to law enforcement jobs, healthcare, and education. (Ul Mulk et al., 2020)

The many facets of the Afghan refugee crisis in Pakistan are the main topic of the paper. The long history of Afghan migration and the legal framework governing refugees are first examined. The effect of security discussion on the public and government action follows. Next, we examine the economic contributions and humanitarian difficulties Pakistan, and refugee groups confront. The study follows by discussing the complex issue of restitution and offering suggestions for legislation that take into thought the liberty of those displaced as well as territorial sovereignty concerns.

Objectives of Study

The current study aims to:

- Analyze the domestic judicial system in Pakistan that deals with

Afghan refugees.

- Examine the effects of prolonged Afghan displacement on national security, the economy, and humanitarian issues.
- Examine Pakistan's refugee policy in the context of international refugee law and constitutional principles.
- Make recommendations for legislative and policy changes that might strike a balance between state sovereignty and refugee protection.

Literature Review

The key to grasping Afghan refugees in Pakistan is the illegality of movement and its impact on human rights and state sovereignty. On consideration of this, this study poses the following questions: *what security, economic, and humanitarian issues have arisen for the state and refugee communities, how have Pakistani laws and policies changed in reaction to forty years of Afghan presence, and what policy frameworks can strike a balance between the protection of displaced populations and legitimate sovereign concerns?*

A thorough historical account of Afghan refugees in Pakistan is given by Khalid and Shaheen (2017), who detail how the Soviet invasion in 1979 led to the migration of 3.2 million Afghans. They point out that at first, Pakistan welcomed migrants with open borders by establishing 386 refugee camps throughout Khyber Pakhtunkhwa and Balochistan. They contend, however, that there is a legal void because Pakistan does not have a national refugee statute and is still a non-signatory to the 1951 Refugee Convention. The authors follow the development of policy across several stages, demonstrating how the Foreigners Act of 1946 still governs refugee issues without distinguishing between illegal immigrants and refugees. According to their study, Afghan families who have now been in Pakistan for more than 40 years face ongoing uncertainty because the Proof of Registration cards, which were issued in 2006, only offer temporary status. (Khalid & Shaheen, 2017)

Mulk, Ali, and Ullah (n.d.) evaluated the security effects of Afghan refugees on host communities through empirical study in Chakdara, District Dir Lower. Based on 379 local responses, their study offers startling conclusions that have influenced the security discourse around Afghan migrants. A sizable majority of respondents believed that Afghan refugees were directly to blame for the decline in local law and order, as seen in Table 1 below. (Ul Mulk et al., 2022)

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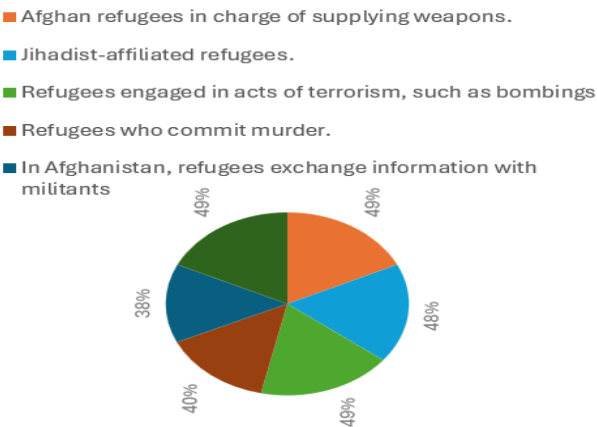


Table 1: Perceived Security Threats from Afghan Refugees in Chakdara

The authors make the conclusion that drug trafficking, sectarian warfare, and the Kalashnikov culture in the area have all been influenced by Afghan refugees. To safeguard internal security, they advise limiting refugees to camps and keeping a careful eye on their whereabouts.

Saboor's MPhil research in Killa Abdullah, Balochistan, offers a very different viewpoint (2024). His research, which examines the effects of repatriating Afghan refugees on the agricultural sector, shows how important Afghan labor has been to the economy for more than 40 years. Saboor reports that 69 percent of Afghan immigrants worked more than 20 hours a week in agricultural activities, based on interviews with 68 landowners. They were mostly involved in labor-intensive crops that are less appealing to local laborers, such potatoes, wheat, tomatoes, and tobacco. These crops also need a lot of manual labor.(Ahmed & Saboor, n.d.) Afghan refugees are heavily involved in day-to-day agricultural management, as seen in Table 2.

Table 2: Participation of Afghan Refugees in Farming Activities

Activities	Involvement
Afghan refugees overseeing daily operations	All responders (100%) had Afghan labor
Over 20 hours of work every week	69%
11–20 hours a week of work	20.6%
Five to ten hours a week of work	10.3%
Method of compensation: monetary and in-kind	54.4%
Afghan workers living with landowners	94%

Saboor's study measures the financial effects of repatriation. He discovered that once Afghan laborers left, 55.9 percent of landowners anticipated a sharp decline in agricultural yield. As local workers requested greater salaries, labor expenses skyrocketed, often tripling. According to the analysis, when landowners battled to locate workers, the amount of cultivated land would drop by almost 30%, from 588 acres to 412 acres. Landowners who were directly involved in farming were able to adapt better by enlisting family members, while those in other occupations experienced significant interruptions. (Ahmed & Saboor, n.d.)

The psychological and social effects of refugee profiling on Afghan communities in Pakistan are qualitatively explained by Hajizada (2024). His research chronicles the lived experience of relocation through in-depth interviews with 25 young Afghan refugees, ages 18 to 40, who reside in refugee camps. He discovers that social isolation is a systemic problem for Afghan refugees, many of whom were born and reared in Pakistan. Public catchphrases like "*Kala ba zay?*" Refugees claim being held accountable for security crises and terrorist attacks, and questions like "*When will you go back?*" are frequent. One person talked about being imprisoned several times only because he was a refugee. (Hajizada, n.d.) The main issues he found in his investigation are outlined in Table 3.

Table 3: Afghan Refugees' Social and Humanitarian Struggles

Troubles	Description
Legal ambiguity	65% of those under 25 do not have a route to citizenship.
The act of harassing	Police checkpoint routines; bribes sought
Social exclusion	Public slogans, discrimination, and terrorism blame
psychological effects	Feelings of disintegration, identity crisis, anxiety, and despair
Restricted privileges	POR cards offer status temporarily but not permanently.

According to Hajizada, the lack of a national refugee legislation and the prejudice against Afghans have left them with severe psychological wounds, making them feel neither completely Afghan nor accepted as Pakistanis. (Hajizada, n.d.)

Important information on the economic survival tactics of Pakistani communities impacted by relocation may be found in the Prolonged relocation Economies Project (2023). The study, which is based on household surveys of 3,189 families in Haripur, Chitral, and Peshawar, shows that Afghan refugees get very little foreign assistance; only 0.1% of households said that NGO or UN funding was their most beneficial source of income. Rather, refugees depend on jobs (28 percent), small enterprises (23 percent), and support systems for one another. Additionally, the study shows that, in contrast to just 30% of Pakistanis overall, 79% of households impacted by relocation had taken out a loan in the past 12 months. About 30% of monthly family expenses went toward debt

repayment, which is about the same as what is spent on food.(Malik et al., 2019) According to 69 percent of respondents at the Haripur refugee camp, health issues were the main cause of debt.(Grare & Maley, 2011)

The body of research shows that conflicting legal, humanitarian, economic, and security factors characterize Pakistan's Afghan refugee predicament. Economic study emphasizes the substantial contribution of Afghan refugees to agriculture, trade, and local labor markets, while security-oriented studies focus on issues including militancy, unauthorized migration, and border control. On the other hand, humanitarian literature records the psychological difficulties, social marginalization, and legal ambiguity that displaced people face. These many viewpoints show that a multidisciplinary and impartial examination is necessary to fully comprehend the Afghan refugee problem.

Research Gap

There are still significant research gaps despite the expanding corpus of literature on Afghan refugees in Pakistan. Most of the current research focuses on the legal, humanitarian, economic, or security aspects of refugee management separately, with no attempt to incorporate these viewpoints into a thorough legal and policy study. Furthermore, a single analytical framework has not adequately addressed contemporary changes, such as Pakistan's present refugee administration policies, the Illegal Foreigners Repatriation Plan (2023), and changing court interpretations regarding refugee rights. To close these gaps, this study offers a comprehensive analysis of Pakistan's domestic legal system, judicial advancements, humanitarian commitments, security issues, and policy reactions to Afghan refugees. It also assesses how these conflicting interests might be reconciled through long-term legal reforms.

Research Methodology

By restricting the search to publications from 2015 to 2025, it was feasible to gather the most recent shifts in policy, security discourses, and humanitarian developments while also including foundational studies from previous decades when historically essential, especially to comprehend the first wave of immigrants of 1979 and legislative evolution through the years 1980 to 1990. The keyword combinations that had been sought were “Afghan refugees AND Pakistan,” “refugee repatriation AND security,” “criminalization of migration,” “non-refoulement AND Pakistan,” “protracted displacement,” “refugee livelihoods,” “Afghan labor AND agriculture,” in addition to “Pakistan refugee policy.” Boolean operations were carried out on these permutations. To guarantee academic integrity and

consistency, only publications in English and review papers released in peer-reviewed journals were reviewed, though a few reports from reputable organizations, like UNHCR, were also evaluated for policy insights.

A qualitative doctrinal legal research approach is used in this work. Its main foundation is an analytical examination of primary and secondary legal sources. Constitutional clauses, statutes, court rulings, and international legal documents pertaining to refugee protection are examples of primary sources. Peer-reviewed journal papers, books, policy studies, and publications from international organizations, such as UNHCR, are examples of secondary sources. To assess Pakistan's refugee governance structure from a legal, humanitarian, economic, and security standpoint, the gathered information was subjected to doctrinal legal analysis and thematic content analysis. In order to provide a fair assessment of Pakistan's responsibilities and sovereign interests, the research also makes use of comparative policy analysis by looking at both domestic legal requirements and international refugee law principles.

Economic assessments, such as Saboor's MPhil paper on agricultural labor impacts in Killa Abdullah and the protracted Displacement Economies. The project's detailed household polling on livelihoods and debt patterns offered crucial information on refugee contributions and vulnerabilities. Researchers such as Khalid and Shaheen used statutory and policy research to create frameworks for comprehending Pakistan's legal shortcomings and international commitments. The research's painstaking integration of data from these multiple investigations, which cover safety, financial, humanitarian, and legal viewpoints, ensures an accurate depiction of the complicated circumstances impacting Afghan refugees and Pakistani populations in general. The combined use of numerical survey responses paired with interviews findings and policy research enhances both the accuracy and dependability of the results obtained, ensuring that neither the safety discourse nor the humanitarian tale ever triumphs. Because of this methodical method, the findings of the research have now been verified by real data and situational reality.

Discussion

One of the most prolonged, intricate, and strongly divided humanitarian and political problems of our time is the discussion about Afghan refugees in Pakistan, which calls for a comprehensive, impartial evaluation that combines two conflicting facts. Pakistan, the host nation, has provided refuge for an unmatched period, but it is currently aware that such a protracted presence directly threatens its autonomy, security, and finances. On the other hand, exists the wide range of millions of Afghan refugees which survived decades

of instability and now face the danger of having to make a return to an unsafe and, for many, unfamiliar society. (Taylor, 2010a) A well-rounded approach requires reconciling a nation's compelling sovereignty interests such as actual security dangers and financial pressure with the humanitarian requirements supported by international law and refugee supporters. The discussion seeks to map that multifaceted terrain by looking at the historical context, the legal frameworks that govern refugee status, empirical evidence of the refugees' implications, the Pakistani state's sovereignty calculation, the evolving function of the judiciary, and the directives of international law. In the end it argues that a long-term solution must involve commitment from all parties and a shift from an extra gentle and equitable framework. (Warikoo, 2002)

Pakistan's mentality is rooted in a tale about incredible generosity stretching decades, which has slowly given way to an untenable and, in its opinion, unacknowledged burden. Since the Soviet takeover of Afghanistan in December 1979, resulting in a massive migration, Pakistan has offered asylum to millions of Afghan refugees for more than 40 years, frequently contributing to up among the biggest single refugee populations in the world. UNHCR estimates show that the overall quantity of registered refugees reached a peak of around 3.27 million in 1989, which made up more than 3% of Pakistan's entire citizenry at the time. (Sumra et al., 2025) Officials frequently point out that this was done in spite of the country's not-signatory status of either the 1951 UN Convention with regard to the Status of Refugees or the 1967 Protocol, indicating that its actions were driven more by Islamic hospitality values, Pashtun refugee traditions known as "melmastia" and "panah," and purely goodwill than by stringent legal requirements. The point of view believes that Pakistan is a *de facto*, if not *de jure*, refugee protection model since the country has gone far beyond what is called for under international law. After the historic 2005 census and 2006–2007 authorization drive, the government created institutional structures to manage this huge population, such as the Commissionerate Afghan Refugees (CAR) in 1979 for coordinating assistance efforts as well as legal groups like the Proof of Registration (PoR) card for acknowledged refugees. With the backing of UNHCR and the rest of the international community, this system of government ran for decades, guaranteeing millions of inhabitants official status along with accessibility to essential amenities. (Baldassar, 2007)

But from Pakistan's point of view, the generosity has come at an enormous cost, with serious and well-established negative consequences in areas of the economy, political and social security, and environment. The effect on the economy alone has been enormous. A former Minister of States and Frontier Regions claim that throughout the one before three decades, Pakistan invested almost \$200 billion on Afghan refugees much

exceeding the amount of funding received from neighbouring nations. On top to direct costs, the close to three million refugees have also had a substantial impact on the economy in the region, specifically in Khyber Pakhtunkhwa and Balochistan, both of whom are provinces that border Afghanistan. (Mirza et al., 2024)

The interest for educational systems, power grids, transportation systems, and labor markets expanded as the proportion of refugees rose throughout the decades. Indigenous peoples of these already underprivileged regions became angry and resentful because of the rift among migrants and locals. Because marketplaces naturally seek profit and encourage cheaper labor costs, refugees, eager to serve using inexpensive labor, undercut workers at home. Although this tactic might benefit certain business interests, it lowers local wage levels and threatens the economic advantages of Pakistanis who require monthly payments. (Ali et al., 2019) Local markets suffered inflation because of the increased demand for goods and services spurred on by the huge number of migrants. Prices naturally rise due to rising demand for commodities, while this may be beneficial for some market players, the rising cost of living many ordinary Pakistanis intensifies their frustration. Concerns are also being voiced about tax evasion. Depending on reports, an enormous number of Afghan traders do significant operations in Pakistani cities, and some of those individuals go on developing into billionaires in destinations like Peshawar, while avoiding paying taxes. This disproportionately impacts the citizens and business owners and had a detrimental impact on collections of revenue. (Jacobsen, 2002)

The effects on society have been as significant and concerning. In Khyber Pakhtunkhwa, migrants especially Pashtuns were first welcomed with warmly and based on familial connections, but when interests shifted, this hospitality deteriorated. Local Baloch groups in Balochistan began seeing the primarily Pashtun refugee population as an adversary to their ethnic majority. Events like the strike with drones that eliminated Afghan Taliban leader Mullah Akhtar Mansoor, on the body of who a Pakistani national identity card was found, shows how easily such documentation might been obtained and the security risks this posed, fostering the widely held view that various refugees obtained Pakistani documents of identity fraudulently. (Ali et al., 2019) Beyond worries regarding growing populations, Afghan immigrants have been linked to a number of social problems, such as a rise in crime, the rise of Kalashnikov culture, dependence on drugs and trafficking, child labor, and even prostitution. Based to the research's statistics, approximately 500,000 crimes committed from 1981 and 1991, with Afghan migrants becoming accountable for the great largest number of these crimes. The sale of drugs

is especially hazardous, according to the 2011 briefing, there were currently about seven million illicit drug users in Pakistan, with approximately seven hundred people dying every day from associated illnesses. The provinces of Balochistan and KPK, which are residence to the largest refugee populations, were having the highest rates of opiate use.(Ayesha Amir & Dr. Syed Khawaja Alqama, 2025)

Nearly 25 percent of Pakistan's workforce is made from children, many of whom begin working at the age of five or seven. Child labor remains another significant concern. Many of these young people have from Afghan refugee families who work in hotels as laborers, boot polishers, and car washes. They frequently put in nearly sixteen hours a day in horrific circumstances. These kids who are at risk have been additionally used by terrorist groups in the local region, who have reportedly brainwashed them into suicide bombings or deployed them as facilitators.(Gibney, 2018)

Afghan refugees are either directly or indirectly involved in multiple terrorist acts in Pakistan, based on public statements issued by the previous government. Refugee camps together the frontier is frequently utilized by rebels as points of entry and places to hide, and local populations occasionally help these criminal organizations. Following the September 11, 2001, attacks and the war initiated by the United in Afghanistan that transpired, which brought nation back into conflict and resulted in the latest influx of Afghan refugees into Pakistan, the humanitarian situation worsened even more. The administration faces new issues when the sheer number of Afghan refugees surged to around five million by the end of 2001. Because these refugees are involved in smuggling people and goods across the border, the governing body considered them to be a security danger to society.(Fayyaz, n.d.)

The enactment of the Illegal Foreigners' Repatriation Plan (IFRP) in 2023 gave this safety argument a renewed energy and importance. Quoting the Immigrants Act of 1946, the Department of Interior's strategy clearly aims at controlling immigrants to ensure that individuals who remain illegally or surpass the validity of their residence visas be deported. Phase I focuses on determining and deporting undocumented or extended-stay foreigners, Phase II pertains to the possession of Afghan Citizen Cards (ACC), and Phase III tackles the inevitable evacuation of any registered Proof regarding Registration card participants, albeit that final phase depends on coordination among all stakeholders in obeying the UNHCR convention. The federal government asserts that millions of Afghans have been accepted for over forty years, an act of charity that is uncommon throughout recent history, and that the generosity has been abused. (Khan & Hanif, 2020)When Pakistani officials demand that Germany or other

Western nations take in more Afghan refugees, they are making an adequate argument about burden-sharing, prosperous nations with a higher ability to take in refugees have taken on relatively little, while Pakistan has shared an unjust proportion of the burden over decades. Thus, seen within this point of view, the Foreign Office's remarks demonstrate a demand for equitable funding for a global problem which is not an abandoning of duty. It has been claimed that rather than judging Pakistan from distance, Western nations might consider establishing their own borders if they happen to be concerned about the well being of refugees. (*Politics of Afghan Refugee Repatriation from Pakistan: Complications and Challenges: Ghufraan, Nasreen: 9783639284546: Amazon.Com: Books*, n.d.)

Refugee advocates argue that the notion of non-refoulement is now a part of customary international law, imposing on all states irrespective of treaty adherence, and is strengthened by treaties that Pakistan has ratified, such as the Convention Against Torture and the International Covenant on Civil and Political Rights (ICCPR), regardless of whether Pakistan is not a party to the Refugee Convention. A fantastic instance of this logic is the current circumstance throughout Afghanistan. Civil liberties prospects have greatly decreased since the Taliban grabbed the reins in August 2021, particularly for women, girls, journalists, artists, as well as people of ethnic and religious minorities. Forcing individuals from those with special needs to return, as the IFRP does, is seen as an outrageous infraction of basic international law rules, exposing them to the exact misery they came to avoid. (Mielke & Etzold, 2022) Even for individuals who are not directly persecuted, the reality of modern Afghanistan is one of economic collapse, food scarcity, and a shattered infrastructure unable of supporting millions of those returning, especially during frigid winter months. When Pakistanis deports families in these conditions, it could break both the letter and spirit of its global responsibilities.

Beyond international law, activists think that the indiscriminate prosecution of Afghan migrants exposes significant flaws in Pakistan's own legal, political, and bureaucratic response to migration. The system's excessive reliance on the Foreigners Act of 1946, a colonial-era regulation developed for a different age and scope of human migration, views all illegal immigrants as criminals, notwithstanding whether they come for financial objectives or to flee persecution. (Baloch et al., 2017) Afghan refugees exist in a state of doubtful constitutionality resulting from the lack of national refugee law that can guarantee legality, rights, and asylum procedure. Their interim paperwork constantly expires without renewal. After the fatality, their existence becomes illegal overnight, and their displacement is an infringement. In basic terms, the system criminalizes

migrants not because they committed a crime, but because they have official authority. This outcome in a precarious class whose legal circumstance is always shifting and changeable, determined by the whims on bureaucratic process rather than any factual assessment of their require for protection.(Anwar et al., 2021) Refugees, particularly long-term residents and established businessmen like Sahib Rehman Faizy in Islamabad, have encountered increased harassment and extortion. Afghan entrepreneurs have reported being stopped at police checkpoints regardless of having legal papers, with cash requested of them. Police investigations in refugee congested neighborhoods often culminated in the arrest of inhabitants who seem to be Afghan, but whose legal standing was unreliable or even more serious, unsupportable.(*Afghan Refugees in Pakistan: Bleak Prospects*, n.d.)

Refugees' environmental difficulties include land erosion and decreased land fertility, wood chopping, and food collecting through hunting and foraging, all of which put additional strain on the ecosystem. Human waste disposal may pollute groundwater and contribute to the spread of a variety of illnesses. More than three million refugees in Pakistan have damaged roads and waterways. Wood resources are often employed to construct shelter camps and for food production. Since refugees have been living in Pakistan for more than three decades, the camps have virtually become communities, and the need for wood has grown with time, putting strain on woodland supplies. Around 10,710 positive instances of malaria among migrants, with *Plasmodium vivax* being the most common species, as well as 541 new TB cases recorded between 2012 and 2015. Maternal and child health indicators revealed that, while trained professionals handled 80% of births in 2018, the average perinatal mortality rate remained a source of concern. From 2012 to 2018, vaccine coverage was especially high, with BCG cover at 87.31 percent and measles vaccination at 100 percent, showing the effectiveness of Pakistan's vaccination program when it affects refugee groups. (Hilali, 2002)

Recent rulings by the Islamabad and Peshawar High Courts demonstrate how judicial interpretation is gradually pushing back against the language of unconstrained state discretion, even as it recognizes the government's sovereign authority over immigration policy. In *Fazal Haq v. NADRA* (2022)(*Fazal Haq v. NADRA etc. (Islamabad)*., 2022), the Islamabad High Court reiterated that birthright citizenship under Section 4 of the Pakistan Citizenship Act of 1951 is automatic and cannot be revoked arbitrarily. The judgment underlined nationality as an essential human right that is closely linked to human worth and the fulfillment of all other rights. The court advised the state against practices that foster and sustain statelessness, citing the Universal Declaration of Human Rights and the Convention on the Rights of the Child, in an action that directly

impacts the children of long-term Afghan refugees born in Pakistan. *Ajmal & Others vs NADRA & Others* (2025) examined the legitimacy for avoiding people of Afghan descent from acquiring Computerized National Identity Cards (CNICs). While the court supported NADRA's powers under Section 18 of the NADRA Ordinance of 2000, it also mandated due process, openness, and appeals processes. This paradox underscores the judiciary's decision that administrative power cannot be used arbitrarily. (*Ajmal and others vs Fedeariaion of Pakistan (Peshawar High Court)*, 2025)

The case is *Rahil Azizi v. The State* constitutes a watershed moment in judicial involvement with international refugee law. According to Dr. Arjumand Bano Kazmi's study, the Azizi case is noteworthy because it sets a precedent for other courts in the nation, demonstrating how the High Court engages with the Refugee Convention beyond just implementing the concept of non-refoulement. Despite Pakistan's non-signatory status, the court has shown a readiness to use international legal rules when interpreting basic rights, resulting in what experts call judicial engagement with refugee law. The Peshawar High Court made a historic decision prohibiting the repatriation of forty Afghan nationals married to Pakistani women until NADRA rules on their citizenship petitions, or six months have passed, whichever occurs first. A division bench of Justice Waqar Ahmad and Justice Kamran Hayat Miankhel held that because the petitioners were family members of Pakistani nationals, they could not be deported awaiting the outcome of their Pakistan Origin Card applications. The petitioners' lawyer contended that Afghan spouses of Pakistani women, as fathers of Pakistani children, are constitutionally entitled to POCs, and that the right to family life is a basic right granted by Pakistan's Constitution. (*Rahil Azizi v. The State (PLD 2024 Islamabad 231)* | *Rights Mapping and Analysis Platform*, n.d.)

If Afghan refugees make good contributions, such as traditional carpet weaving skills that have increased Pakistan's carpet exports in towns like Peshawar and Quetta, the government may change its position. A change in strategy from deportation to inclusion would need financial benefits, security assurances, political support, international incentives, and solid ties between Afghanistan and Pakistan. Without these characteristics, Pakistan is likely to maintain its restrictive stance. (Moughari, 2007)

Recommendations

The path forward needs a balanced strategy that tackles Pakistan's legitimate security and economic concerns while also upholding Afghan refugees' basic liberties. Pakistan ought to pass a comprehensive national

refugee legislation to replace the outdated Foreigners Act of 1946, which punishes refugees for administrative errors rather than serious offenses. Such legislation would provide a clear legal status, establish fair asylum processes, and protect against arbitrary deportation, in addition to including Pakistan's obligations under prevailing international treaties, such as the ICCPR and the Convention Against Torture. This law should be developed during collaboration with provincial authorities, the courts, UNHCR, civil society, and refugee advocates to ensure it is both practical and protective.(Taylor, 2010b)

Based on previous decisions from the Islamabad and Peshawar High Courts, an unbiased appellate procedure should be set up to assess deportation and refugee status judgments. A specialized tribunal would offer quick and easy remedies while guaranteeing fair hearings before people experience irreversible harm from deportation, whereas the current system of specific case litigation is ineffective and burdens vulnerable people needlessly. Building on the principles formed in findings like *Sanam Saleem* and the September 2025 verdicts preserving Afghan wives of Pakistani citizens, the High Court should consider humanitarian outcomes, including family unity and circumstances in Afghanistan.(Cheesman, 2022)

To address Pakistan's genuine security concerns, targeted, intelligence driven law enforcement that differentiates between radicals and the larger refugee group will substitute collective punishment. A community that could provide helpful information and collaboration is alienated by the current strategy. Addressing rebel groups rather than entire populations, Pakistan may improve border surveillance and communicate intelligence through Afghanistan and the UNHCR. To be able to guarantee that every Pakistani has the same legal defense, the government ought to examine into and prosecute incidences of police corruption and harassment documented in the study.

By making obvious financial and resettlement agreements, the international community must take more responsibility for burden sharing. Increased funding in refugee programs in Pakistan, increased relocation quotas for needy Afghans, and backing for initiatives that benefit both refugees and their host communities are merely a few of the ways which foreign nations that have stepped in in Afghanistan through the past 20 years have an immediate obligation to assist. It is accepted for Pakistan to be keen on countries like Germany to take on more immigrants, and contrary to merely denouncing Pakistan's behavior, other countries should react warmly.(Ruiz & Vargas-Silva, 2016)

Finally, solutions that last need continued political participation between Pakistan and Afghanistan, backed by its international partners, to

tackle the root causes of displacement and provide circumstances for voluntary, honourable returns. The discussion ought to concentrate on safety issues, economic collaboration, and mutual trust. For individuals who decided to return, reintegration support must be strong and continuous. Those who live in Pakistan due to continuous safety requirements or ongoing relationships ought to a clear and secure legal status. Judicial reform, operational improvement, monetary integration, international shared burdens, and regional diplomacy have the most efficient means to get past this four-decade difficulties.

Conclusion

The Afghan refugee issue with Pakistan ranks as one of the region's most complex and persistent relocation challenges. By offering a comprehensive legal and policy analysis of Pakistan's handling of Afghan refugees at a period of major policy change, this work adds to the body of knowledge. It shows that the complexity of long-term relocation cannot be sufficiently addressed by a purely humanitarian or security-oriented strategy. To ensure sustainable refugee governance, future policy reforms should emphasize the adoption of comprehensive refugee law, improve institutional coordination, and encourage broader international burden-sharing. Future studies might look more closely at Afghan refugees' long-term socioeconomic integration and assess the success of Pakistan's changing refugee policy following the introduction of recent repatriation programs. However, the prolonged duration of this exodus has caused serious governance issues for the Pakistani state. Significant refugee flows have an impact on border security, public infrastructure, employment possibilities, and resource allocation. Safety concerns also plague the immigration debate around Afghan refugees, especially considering cross-border conflicts and radicalization. Therefore, under Pakistan's refugee administration, humanitarian aid and a country's sovereign right to limit the overall number of foreigners entering its borders often clashed. When it comes to sustainable alternatives, regional and international cooperation should be prioritized above all else. Stronger refugee governance frameworks, improved identification procedures, and increased worldwide shared responsibilities are all necessary for a long-term diplomatic solution. Furthermore, gradual and voluntary repatriation supported by better living circumstances in Afghanistan continues to be a crucial long-term goal. By creating a workable and practical structure, Pakistan may continue to defend humanitarian principles while maintaining its independence and strengthening territorial security.

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