



Comprehensive Migration Policy for Afghanistan

EXECUTIVE SUMMARY

June 2019

Funded by the European Union



Implemented by:



The Comprehensive Migration Policy for Afghanistan was developed under the “Improving Migration Management in the Silk Routes Countries” project, funded by the European Union and implemented by the International Centre for Migration Policy Development (ICMPD).

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Introduction

This document briefly presents the key features of the Comprehensive Migration Policy for Afghanistan (CMP) as follows:

- The general background and the two-year long policy development process resulting in the final policy draft
- The four priority policy areas identified by the Government of Afghanistan, defined through four specific objectives:
 - Return and Reintegration
 - Regular Migration
 - Prevention of Irregular Migration
 - Migration and Development
- An outline of the situation overview relating to the each of the priority areas including examples of the main challenges and policy responses identified
- An outline of the next steps, towards adoption and implementation of the CMP

Process

The Comprehensive Migration Policy for Afghanistan (CMP) was developed by the Government of the Islamic Republic of Afghanistan (GoIRA) with the Ministry of Refugees and Repatriation (MoRR) as a lead ministry, in cooperation with the Displacement and Return Executive Committee (DiREC). The CMP was developed with the support of the European Union and the technical assistance of ICMPD during the period 2017-2019.

The formulation process officially began in October 2017, during the first of a series of expert meetings that involved representatives from national and international institutions. These consultations led to a first version in May 2018 and a revised version in February 2019, resulting with the final draft in May 2019.

Towards the draft CMP: process

Timeline of the preparatory process

2017	2018	2019
<p>July Minister of Refugees and Repatriation (MoRR) and ICMPD sign MoU to develop CMP</p> <p>Oct 2017 – Jan 2018 1st & 2nd meeting of team of experts</p>	<p>February - March Stakeholder Consultations</p> <p>May Continued stakeholders consultations & presentation of draft CMP content to MoRR; Continued stakeholders consultations with law enforcement authorities and relevant stakeholders in relation to the Irregular Migration component</p> <p>June Zero draft revision workshop</p> <p>October - November Three revision workshops</p>	<p>May (Vienna) Meeting with Minister Balkhi, MoRR</p> <p>23–25 June (Kabul) CMP Presentation</p>

Stakeholders consulted during the preparatory process

Office of the President of Afghanistan; Office of the Chief Executive; Displacement and Returnees Executive Committee (DiREC);	National Statistics and Information Agency (<i>formerly known as CSO</i>); Independent Directorate of Local Governance;
Ministry of Refugees and Repatriation; Ministry of Foreign Affairs; Ministry of Labour and Social Affairs; Ministry of Interior, its Criminal Investigation Department and the Afghan Border Police; Ministry of Justice and its Anti-Human Trafficking Commission; Ministry of Women Affairs; Ministry of Urban Development and Land / Arazi; Ministry of Education and its Technical and Vocational Training Authority; Ministry of Rural Rehabilitation and Development.	EU Delegation in Afghanistan
	International Organization for Migration (IOM); United Nations High Commissioner for Refugees (UNHCR); International Labour Organization (ILO); World Bank (WB)
	Civil society organisations such as Afghanistan Research and Evaluation Unit (AREU), ACBAR, ACSFO, and others.

Legal context

The CMP is designed to respond to the complex migration situation of Afghanistan. Based on the existing legal framework, the CMP defines policy measures to further enhance its implementation and address pertinent migration related challenges. It introduces new policy dimensions, but also builds on existing policies and processes in country, taking them forward and linking them into a comprehensive migration management framework.

The policy directions of the CMP are also aligned with relevant international instruments, regulations and best practices, including the Global Compacts for Migration (GCM) and on Refugees (GCR).

Justification

The CMP is designed to help Afghanistan move from short-term humanitarian responses to long-term migration and development governance. It integrates repatriation and reintegration measures into a coherent strategy; links policy objectives with pragmatic policy solutions; and builds a common roadmap on which international and national partners can join forces.

The Government of Afghanistan has identified four priority policy areas of the CMP, namely:

- **Return and Reintegration**
- **Regular Migration**
- **Prevention of Irregular Migration; and**
- **Migration and Development.**

Effective management of migration, including promotion of regular international mobility of Afghans can harness the potential of migration as a driver of economic growth and social stability and also address hazardous irregular migration trends. Towards this goal, the CMP sets out holistic approaches by providing new solutions to link Afghans in mobility with the socio-economic development of Afghanistan and the welfare of its people. The measures established by the CMP link support within the country (reintegration and resettlement) and abroad (promotion of labour migration and emigration support) with a new set of livelihood, employment and skills solutions.

Key challenges and policy responses

During the stakeholder consultation and CMP development process over sixty-five key challenges and issues related to migration governance and migration management were identified.

To address each key challenge, one or more policy responses were developed – this process resulted in more than ninety detailed policy responses and recommendations in the four different priority policy areas.

Policy Area 1: Return and Reintegration

SPECIFIC OBJECTIVE 1

Ensuring safe return of migrants through repatriation, reintegration and resettlement linked with livelihood and development opportunities.

SITUATIONAL OVERVIEW

Due to its strategic geographical location as a prominent trading country along the Silk Routes, Afghanistan was at the crossroads of migration since centuries. Over the last four decades, forced-migration has increased, driven mainly by armed conflict and natural disasters. In 2016, as many as 8.5 million Afghans have been displaced internally or abroad. The post-2015 surge in involuntary return migration from Iran, Pakistan and European countries, coupled with growing numbers of IDPs within Afghanistan, have placed significant strain on the country's economic, humanitarian and social resources. At present, an estimated 20% of the total population residing in Afghanistan is composed of return migrants, i.e. Afghan citizens who have forcibly or voluntarily returned to Afghanistan.

In 2017 alone, over 646,000 Afghans returned from the Islamic Republic of Iran and Pakistan, increasing to over 805,000 returnees from both countries in 2018. In 2018, this included over 460,000 undocumented returnees from the Islamic Republic of Iran, driven largely by recent political and economic issues in Iran that affect Afghans working in the informal economy. Upon return to Afghanistan, their sustainable reintegration into the socio-economic fabric of local communities proves highly challenging. Due to the over-stretched absorption capacity of local communities and the sudden influx of large numbers of return migrants in recent years, reintegration challenges range from inadequate essential services (food insecurity, inadequate access to land, lack of long-term shelter, access to services including health, education, legal assistance) to structural impediments to the long-term reintegration of returnees in the domestic labour market.

KEY CHALLENGES AND POLICY RESPONSES

The policy measures take into account the multiple intersecting levels of reintegration challenges: administrative reintegration, including registration and documentation; humanitarian re-integration, including provision of immediate assistance at points of arrival and provision of humanitarian support and adequate accommodation; social reintegration, including psycho-social counselling services, legal assistance and community support; and economic and labour market reintegration, including opportunities for employment and support to investing and management of financial resources.

Examples

This section presents examples of the key challenges and corresponding CMP policy measures related to the management of return and reintegration.

A total of more than sixty-five key challenges and over ninety detailed policy responses and recommendations were identified and developed in four different priority policy areas.

Challenge

Comprehensive and disaggregated data on returning and displaced Afghans is not available. There are currently numerous international organisations and government agencies collecting data on return migrants, IDPs or both. Evidence suggests that different databases have discrepant information on stocks, flows and qualitative variables of return migrants and IDPs, and generally tend to reflect lower numbers of returnees than expected on the ground. Thus, returnees and displaced individuals with specific needs often remain untargeted of possible measures for their reintegration.

Policy Response

An integrated and centralised data collection system for returnees and IDPs will be developed, owned and managed by MoRR.

The system will integrate their returnees' and IDPs' profiles in accordance with the SOPs and be utilised for referral and reintegration activities. To avoid duplication and fragmentation of documentation and service delivery, it shall consolidate all databases on returnees and IDPs held by public institutions in Afghanistan, starting from the MoRR database program already established in 25 provinces, and gradually expanding to all 34 provinces. The data collection system will also be used to assess gaps and barriers in the portfolio of reintegration support services. The system will furthermore integrate data from international organisations and agencies of third countries returning Afghan citizens through an automatic data transmission system.

Challenge

Coordination between the different public, non-governmental and private entities providing reintegration support to returnees and IDPs in Afghanistan is insufficient. Moreover, the remits of pivotal institutions involved in the resettlement and reintegration of refugees and IDPs – the Ministry of Refugees and Repatriations, the Ministry of Rural Rehabilitation and Development (MRRD), the Deputy Ministry of Municipalities (DM) of the Independent Directorate of Local Governance (IDLG) and the Citizens' Charter - are not sufficiently delineated.

Policy Response

Coordination between MoRR and other relevant institutions in functions related to the resettlement of returnees and IDPs will be enhanced. Based on the findings of the functional assessment, the remits and responsibilities of the institutions will be ascertained.

Challenge

Return migrants and IDPs outnumber the available opportunities in the formal sector, leading them to seek self-employment opportunities. As the number, distribution and capacity of business development centres is inadequate, individuals often lack the support to develop skills and knowledge required to start successful businesses.

Policy Response

The capacity of Technical Vocational Education and Training (TVET) institutes and Business Development Centres (BDCs) will be enhanced. The capacity, infrastructure and equipment of TVET institutes are improved, with priority capacity building to be focused on areas of high return, displacement and emigration. The curricula and equipment for TVET institutions must be revised and equipped according to market demands and training needs, in cooperation with international aid partners. Business development programmes are created for successful TVET graduates interested in starting a business and the capacity of Training of Trainers BDCs are enhanced to create a cadre of trainers that conducts business start-up and business development training for qualified returnees, IDPs and other participants.

Policy Area 2: Regular Migration

SPECIFIC OBJECTIVE 2

Promoting regular migration for the socio-economic development of the country via foreign employment and other channels of safe migration.

SITUATIONAL OVERVIEW

One of the main characteristics of migration from Afghanistan is its irregular nature, i.e. migrants crossing land and air borders without the necessary national and international documentation to enter other countries. One of the means of addressing this phenomenon - and an aspect of migration from Afghanistan that has been less explored - is the promotion of regular migration. Approximately one migrant out of two is seeking to migrate for labour purposes, and this makes it critical to invest in opening and re-enforcing regular migration.

KEY CHALLENGES AND POLICY RESPONSES

The policy measures address an array of issues related to the regular migration challenges of Afghanistan. They look into expanding markets for labour migration, establishing a pre-departure system for labour migrants, capacity building of institutions in charge as well as legislative reforms needed to boost sending workers abroad. Research, advocacy and partnership building are proposed as a strategy to focus on more and better education opportunities abroad for young Afghans. The Policy also looks into the creation of bilateral and multilateral visa agreements as to facilitate mobility of Afghans and shift irregular migration to regular migration.

Examples

This section presents examples of the key challenges and corresponding CMP policy measures related to the promotion of regular migration.

A total of more than sixty-five key challenges and over ninety detailed policy responses and recommendations were identified and developed in four different priority policy areas.

Challenge

The Afghan government lacks an effective intelligence mechanism to identify suitable potential partners for establishing new regular migration corridors and bilateral visa agreements. To facilitate the temporary migration of Afghans abroad, MoLSA's Foreign Employment Unit (FEU) will need to be strengthened in its market research and dissemination capacity, with technical cooperation from Asian partner countries.

Policy Response

The capacity of MoLSA to identify and prioritise promising countries and territories of destination for Afghan labour migrants will be enhanced. The capacity of MoLSA's FEU is improved to enable it to effectively assess, identify and prioritise potential countries and territories of destination for Afghan labour migration.

Challenge

The 2005 Regulation for Sending Afghan Workers Abroad, is not sufficiently comprehensive and specific to support the development of a formal labour migration system as envisaged by the CMP.

Policy Response

A review of the 2005 Regulation for Sending Afghan Workers Abroad will be conducted. A comprehensive review of the Regulation is proposed to create a sufficiently comprehensive and specific regulatory framework for the promotion of regular labour migration and ensuring the welfare of Afghan migrants. A SWOT analysis will be conducted to assess the specific gaps of the Regulation and how to align the future revision with the policy objectives of the CMP. The revised Regulation will clearly define the roles of all ministries and agencies involved in the labour migration process. The Regulation shall also specify effective exit procedures to ensure and facilitate the regular emigration of prospective Afghan migrant workers.

Challenge

Afghans willing to emigrate from Afghanistan through regular channels face a limited set of options, including regular labour migration, humanitarian migration through asylum applications or family reunification visas, and migration for academic purposes through student/research visas. The GoIRA has not yet created a coherent and effective strategy to expand non-labour avenues of regular migration, including both student visas and humanitarian visas.

Policy Response

Advocacy strategies will be developed to facilitate the creation of bilateral and multilateral visa agreements with current and potential destination countries and regions. Advocacy and communications strategy shall be developed targeting prioritised CoDs and regions of destination (e.g. EU) in order to prepare the foundation for visa agreements with Afghanistan. The scope of visa agreements shall be as comprehensive as possible, but will be prioritised by taking into account the most urgent needs of the Afghan population, including education, professional development, family visits and migration for personal reasons. The strategy will encourage CoDs and regions of destination to create adequate visa frameworks to facilitate Afghan mobility, aiming to shift irregular migration to regular migration and to mitigate the pressures on Afghanistan's humanitarian resources, education system and entire social fabric.

Challenge

While the GoIRA has already successfully promoted labour mobility in regional and international dialogues on migration, efforts need to be strengthened to advocate for Afghan labour migration and protection of migrant workers' rights. In particular, more concerted action with other regional migrant-sending countries shall be explored to promote the regular labour mobility. Relevant actions need to be explored at the level of regional fora, including the Abu Dhabi Dialogue, Bali Process, Budapest Process, and the Colombo Process.

Policy Response

Regional fora shall be utilized to promote opportunities for the safe and regular mobility of Afghans with key CODs. Negotiations should aim to expand the use of standard contracts with specific provision on mutually acceptable placement fees, minimum references wages, job descriptions and skills recognition and accreditation. Relevant actions will be explored at the level of regional fora, including the Abu Dhabi Dialogue, Bali Process, Budapest Process, and the Colombo Process. Regional fora shall moreover be used to explore shared positions and concerted negotiation strategies with other regional partners that have identical priority CODs (e.g. GCC countries, European states and North American countries) in order to improve the clout in negotiations through a unified voice.

Policy Area 3: Prevention of Irregular Migration

SPECIFIC OBJECTIVE 3

Preventing irregular migration to enforce human rights linked to migration, including responses to trafficking of human beings.

SITUATIONAL OVERVIEW

Irregular migration in Afghanistan coincides with a high incidence of migrant vulnerability, and channels capital to illicit organisations engaging in smuggling of migrants (SOM) and Trafficking in Human Beings (THB). The high volume of persons crossing Afghanistan's border every day is predominantly unregulated and unsupervised, and thus provides a comfortable operating environment for people smugglers taking advantage of the large-scale movement of persons. In addition, Afghanistan is a source, transit, and destination country for men, women, and children subjected to THB. There are also connections between internal displacement, cross-border migration and human trafficking.

KEY CHALLENGES AND POLICY RESPONSES

The policy measures proposed address the complex irregular migration setting in Afghanistan. In the area of THB and SOM, multiple layers of strategies are proposed, ranging from full assessment and mapping of the situation, enhancing data collection and sharing to improving inter-agency cooperation and capacity building of institutions dealing with the two phenomena including the enhancement of investigative capacities. Further policy responses include public awareness raising on the threats and hazards of irregular migration, as well as on the true nature of the irregular migration facilitators, human traffickers and migrant smugglers. The Policy also proposes methods for disrupting irregular migration further as well as to enhance bilateral cooperation with key countries as for regular migration.

Examples

This section presents examples of the key challenges and corresponding CMP policy measures related to the prevention of irregular migration.

A total of more than sixty-five key challenges and over ninety detailed policy responses and recommendations were identified and developed in four different priority policy areas.

Challenge

Traditional law enforcement tactics, investigative techniques, strategies and policies to combat smuggling of migrants and human trafficking may not have any meaningful effect where suspects and identified offenders are so often able and willing to use lethal force to avoid identification, apprehension and prosecution. In addition, many smugglers and traffickers benefit from the support and intervention of corrupt officials.

Policy Response 1**Assessment and mapping of SOM in Afghanistan will be conducted.**

The most effective enforcement interventions against organised crime networks or groups are likely to be those that are strategically focused on the problem, not its symptoms. To this end, the Anti-Human Trafficking Commission is identified as the entity to manage information collection and dissemination at national level. Their role will be further enhanced by the foreseen implementation of a new database that will gather information on human trafficking and smuggling of migrants, and will additionally act as a case management system for investigations and prosecutions.

Policy Response 2

Standard Operating Procedures (SOPs) for agencies involved in combatting SOM and THB will be defined and mainstreamed. SOPs are vital for effective management of border crossing points and ensuring harmonised responses to irregular migration.

Challenge

The level of investigations by Afghan law enforcement agencies and authorities into irregular migration and people smuggling are not documented effectively at a central level. There is insufficient coordination between agencies such as the Afghan Border Police (ABP), Police Criminal Investigation Department (CID), other Police departments, the NDS and the Attorney General's Office on investigations into the activities of smugglers and traffickers.

Policy Response

Data collection and data sharing among all agencies involved in combatting SOM and THB will be enhanced. Systematic inter-agency data collection in a secure data protection environment is required to support and inform all activities aimed at combatting SOM and THB. Collected data should be collated and analysed at central level by trained officials utilising existing intelligence collection platforms and the new, above mentioned database.

Policy Area 4: Migration and Development

SPECIFIC OBJECTIVE 4

Maximising the development impact of migration for Afghan migrants, their families and the Afghan society and economy as a whole.

SITUATIONAL OVERVIEW

Linking migration and development governance is crucial to harness the positive interactions between migration and development. Afghanistan has one of the largest diaspora populations in the world and is hence in a strong position to create diaspora engagement frameworks that can benefit the country's socio-economic development. Considering that Afghanistan currently has the second largest number of migrants worldwide, it is furthermore crucial to establish a consistent remittance governance framework to better harness their potential for the socio-economic development of Afghanistan. Finally, migrants acquire not only financial capital, but also human capital, which expands their own labour market opportunities upon return and can improve competitiveness and innovation in Afghanistan. Against this backdrop, GoIRA needs to establish a sound framework for the effective knowledge transfer from high-skilled migrants and diaspora members to their communities at home.

KEY CHALLENGES AND POLICY RESPONSES

Migration issues need to be streamlined into Afghanistan's national development planning. To maximise development potentials of migration and to minimise negative impacts of some current migration trends, the Policy proposes several areas of focus. Enhancing diaspora engagement, and consequently also investment, skills transfer and labour migration is one of the strategies. This policy area also addresses remittances, return of high skilled Afghans, as well as pursuing qualification frameworks, mutual recognition agreements and transnational education initiatives; also included is the improvement of students' access to information about educational opportunities abroad. The policy proposes measures to enhance protection of Afghans abroad, assessment of their human rights situation, promotion of their rights and in particular of the rights of female migrant workers. Finally, it looks into the challenging issues of environment and climate induced migration and, among other issues, how to enhance community resilience to climate change impacts.

Examples

This section presents examples of the key challenges and summaries of CMP policy measures related to migration and development.

A total of more than sixty-five key challenges and over ninety detailed policy responses and recommendations were identified and developed in four different priority policy areas.

Challenge

There is currently no consistent national-level policy or strategy on the engagement of the Afghan diaspora abroad. GoIRA furthermore lacks a designated institution in charge of diaspora engagement and inter-institutional coordination on diaspora affairs is ineffective.

Policy Response

The capacity and mandate of the diaspora desk in MoFA will be enhanced to ensure a continuous and consistent diaspora engagement. Developing a strong diaspora unit explicitly mandated to work on diaspora issues provides a strong signal of commitment and recognition to a diaspora. The diaspora desk within MoFA shall be transformed into a capacious diaspora unit that will ensure a continuous and consistent outreach to identified diaspora, implement capacity development programmes aimed at building stronger diaspora organizations, foster investment schemes for the socio-economic development of Afghanistan, help members acquire new technical skills and support exchanges between peers.

Challenge

There are currently no specific schemes or incentives encouraging Afghan migrants abroad to invest their remittances for productive purposes in Afghanistan. Against the backdrop of the widespread usage of remittances for non-productive purposes, there is a strong need to develop measures to incentivise Afghans to make productive investments in Afghanistan.

Policy Response

The use of remittances for development-conducive purposes will be promoted. Diaspora investment models shall be developed in order to leverage Afghan migrants' savings for local business development and as a means of boosting local economic development. This shall be complemented by the development of legal, financial and regulatory frameworks for the facilitation of partnerships between Afghan diaspora businessmen and Afghan businessmen with the aim to decrease transaction costs and to increase incentives to invest.

Challenge

There is insufficient data on environmental degradation and the impact of climate change in Afghanistan. Moreover, there are no comprehensive assessments of the interrelations between climate change, environmental degradation and displacement in Afghanistan. The ensuing lack of information impedes the development of evidence-based solutions to counter environmentally induced displacement and to manage the re-settlement of returnees and IDPs in an environmentally sustainable manner.

Policy Response

A national assessment on migration and the environment will be conducted. As a first step, a comprehensive assessment of the interlinkages between environmental degradation, climate change impacts, migration and displacement shall be conducted, taking into account existing data and information. Relevant legal and policy frameworks shall be mapped, and vulnerable populations shall be identified in order to prioritise the most urgent institutional and planning gaps. Building on the national assessment, relevant environmental and climatic factors need to be taken into account in migration policies and action plans, including through Disaster Risk Reduction, early warning measures, and mitigation and adaptation policies.

Next Steps

Following the presentation of the CMP to DiREC, the final draft will be presented to the Council of Ministers chaired by H.E. the Chief Executive and will be adopted as a national document.

Once the CMP is adopted, it is recommended that an action plan for its implementation is developed. The action plan should outline short- and long-term actions aligned with the defined policy responses, as well as those responsible for undertaking them.

Coherent action of national and international stakeholders prioritising consistent implementation of the CMP and its future action plan is expected to significantly strengthen migration management capacities, as well as to address pressing migration challenges of Afghanistan.



2019 – Ministry of Refugees and Repatriation,
Islamic Republic of Afghanistan