A Neglected Population: Afghan Migrants in Europe

by Amy Pitonak and Mehmet Enes Beşer

Amidst daily reports on the fallout from the Syrian civil war or the horrific conditions of Libyan detention centres, the plight of Afghan migrants is being overlooked by international media and policymakers alike. Afghans are frequently denied asylum in the EU and are excluded from resettlement and relocation schemes available to other nationalities, in particular Syrian refugees in Turkey. Instead, Afghans are increasingly subject to repatriation, notwithstanding the significant dangers they face upon their return to Afghanistan.

As of September 2017, Afghans' accounted for the largest group of asylum applicants to the EU, with 170,045 applications pending approval.[1] Applicants deemed ineligible for asylum are sent back to their home country or a "safe third country" that is expected to provide sufficient protection. Fifty-two percent of first instance asylum requests by Afghans' were rejected over the first three quarters of 2017.[2] This is comparable to the period 2008-2012, when first instance rejection rates for Afghans remained above 50 percent. Rejection rates fell to 46 percent in 2013, and continued on a downward trend until reaching 33 percent in 2015, roughly coinciding with an increase in insurgent activity and violent attacks across Afghanistan.[3] The number of rejections began rising again in 2016, however, notwithstanding sustained

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[1] Eurostat, *Persons subject of asylum applications pending at the end of the month by citizenship, age and sex Monthly data (rounded)*, last updated 13 December 2017, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asypenctzm.

[2] Eurostat, *First instance decisions on applications by citizenship, age, and sex Quarterly data (rounded)*, last updated 8 December 2017, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfstq.

[3] Eurostat, *First instance decisions on applications by citizenship, age, and sex Annual aggregated data (rounded)*, last updated 4 October 2017, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta.

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levels of violence in Afghanistan.

While a 52 percent rejection rate is comparable to the average rate for all first time asylum applicants, it is quite high when compared to rejection rates from other conflict zones, such as Syria (5 percent), Yemen (5 percent) or Eritrea (7 percent).[4] The only country with a comparable situation is Iraq, with a 42 percent rejection rate. First instance rejections for Germany, Sweden, and Austria, the three countries with the highest number of pending applications, all hovered at slightly above 50 percent. Greece, France and Italy all had rejection rates for Afghans under 25 percent, with Italy having the lowest at 8 percent.[5]

To facilitate the return of rejected asylum seekers, the EU signed the EU-Afghanistan Joint Way Forward (JWF) on 2 October 2016.[6] The JWF is a non-binding statement of cooperation on irregular migration aiming to facilitate the readmission of rejected Afghan asylum seekers, by way of either deportation or "assisted voluntary returns". Voluntary returns are facilitated by the International Organization for Migration (IOM), which provides returnees with financial assistance and reintegration resources. However, the term "voluntary returns" masks the lack of real alternatives: those who do not return voluntarily are simply deported by the authorities. In 2016, more than 9,000 Afghans were returned to Afghanistan from the EU

and at least 5,445 of these used the IOM's Assisted Voluntary Return and Reintegration programme.[7]

The basis for the rejection of Afghan asylum applications in Europe is the "internal flight alternative", or the idea that those fleeing conflict have the option of seeking refuge in a safe zone within the country.[8] In Afghanistan, Kabul province is considered to be one such "safe zone". However, in 2016, this area witnessed the highest numbers of conflict-related civilian casualties in Afghanistan, a trend which has continued into 2017.[9] Moreover, Kabul may no longer qualify as a reasonable alternative for those fleeing conflict, due to the high cost of living and a scarcity of housing and resources.[10]

Turkey is a common transit and destination country for Afghan migrants. The EU-Turkey deal of 20 March 2016 stipulated that "All new irregular migrants crossing from Turkey into Greek islands […] will be returned

[4] Ibid.

[5] Ibid.

[6] *Joint Way forward on Migration Issues between Afghanistan and the EU*, Kabul, 2 October 2016, http://europa.eu/!cn37KJ.

[7] International Organization for Migration (IOM), *Assisted Voluntary Return and Reintegration: 2016 Key Highlights*, July 2017, https://www.iom.int/sites/default/files/our_work/DMM/AVRR/AVRR-2016-Key-Highlights.pdf.

[8] UN High Commissioner for Refugees (UNHCR), *Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 23 July 2003, http://www.unhcr.org/publications/legal/3f28d5cd4.

[9] United Nations Assistance Mission in Afghanistan (UNAMA) and UNHCR, *Afghanistan: Protection of Civilians in Armed Conflict. Midyear Report 2017*, Kabul, July 2017, p. 5, https://unama.unmissions.org/node/100081373.

[10] Human Rights Watch, *Pakistan Coercion, UN Complicity. The Mass Forced Return of Afghan Refugees*, February 2017, https://www.hrw.org/node/299563.

to Turkey".[11] A novel aspect of the deal was that for every Syrian migrant returned to Turkey, a Syrian who fulfilled conditions for international protection would be resettled in the EU. However, it must be emphasized that while returns to Turkey apply to all migrants, the resettlement part of the deal is only available to Syrians'. This means that the only way for Afghan refugees to be resettled from Turkey is to apply as international protection seekers with the United Nations High Council for Refugees (UNHCR) and wait for resettlement to a third country, a process which can take years. There are 139,224 Afghans registered with the UNHCR as international protection seekers in Turkey as of September 2017.[12]

Meanwhile, Afghans who are caught without proper documentation in Turkey are kept in removal centres before being deported. Lack of transparency makes it difficult to know the conditions in these removal centres. Only one NGO, Halkarın Köprüsü, has been given access to the Pehlivanköy removal centre in north-western Turkey, where migrants are kept after being returned from Greece. They reported that even those who have been able to apply for protection were kept in detention while awaiting the results of their application.[13] Migrants residing in these centres have also been subject to inhumane treatment, such as separation from family members, lack of adequate medical care and only being allowed outside for five minutes a day. Amnesty International has also highlighted the case of 30 Afghans being denied access to asylum procedures and immediately deported to Kabul after arriving from Greece.[14]

Reports from Human Rights Watch and Amnesty International have warned of the dangers facing returnees in Afghanistan.[15] A total of 11,418 Afghan civilians were killed or injured in 2016, while more than 16,290 security-related incidents were registered in the first eight months of 2017.[16] Moreover, returned Afghan migrants run the risk of becoming internally displaced and many have no family connections in "safe zones" such as Kabul. Even those who do may be forced to flee again if conflict reaches the area where they settled.

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[11] European Council, *EU-Turkey Statement*, 18 March 2016, http://europa.eu/!Uv88TM; European Commission, *EU-Turkey Statement: Questions and Answers*, 19 March 2016, http://europa.eu/!Xw48DF. See also Mehmet Enes Beşer, "Chronology of a Deal: EU-Turkey Readmission Plan", in *Bosphorus Migration Studies Reports*, 26 January 2017, https://wp.me/p8tEdj-6g.

[12] IOM, *MPM Turkey: Migrant Presence Monitoring. Situation Report*, October 2017, 24 November 2017, https://www.iom.int/node/84022.

[13] Halkların Köprüsü, *Pehlivanköy'den İzmir Işıkkent Geri Gönderme Merkezine İşkence Devam Ediyor* (Cruelty Continues in Removal Centres, from Pehlivanköy to İzmir-Işıkkent), 30 October 2016, http://www.halklarinkoprusu.org/?p=1020.

[14] Amnesty International, *Turkey 'Safe Country' Sham Revealed as Dozens of Afghans Forcibly Returned Hours after EU Refugee Deal*, 23 March 2016, https://www.amnesty.org/en/latest/news/2016/03/turkey-safe-country-sham-revealed-dozens-of-afghans-returned.

[15] See Human Rights Watch, *Pakistan Coercion, UN Complicity*, cit.; Amnesty International, *Forced Back to Danger. Asylum Seekers Returned from Europe to Afghanistan*, 5 October 2017, https://www.amnesty.org/en/documents/asa11/6866/2017/en.

[16] Amnesty International, *Forced Back to Danger*, cit., p. 19-20.

Thus, alternatives to the readmission agreement should be formulated. One solution would be to broaden the EU's current resettlement programme to include non-Syrian asylum seekers from Turkey. This could reduce the waiting time Afghan protection seekers currently face in Turkey after applying for resettlement via the UNHCR. The EU should also ensure that the financial assistance to Turkey under the EU Facility for Refugees provides adequate aid to non-Syrian refugees. Steps should be taken to expand services available in Farsi and to ensure that Afghans are aware of these services. Information and advice to Afghans presently considering to migrate from Afghanistan should also be provided by the EU and international organizations. Finally, EU member states should revaluate the criteria that classifies parts of Afghanistan as safe for returnees. The recent and sustained spike in violence and civilian deaths in Afghanistan and particularly Kabul render such classifications invalid and harmful, both for Afghan migrants themselves and for the credibility of the EU and international migration organizations.

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