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# HUMANITARIAN BORDER MANAGEMENT IN THE SILK ROUTES REGION – AFGHANISTAN, IRAQ AND PAKISTAN

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International Organization for Migration (IOM)



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**Publisher:** International Organization for Migration  
17 route des Morillons  
P.O. Box 17  
1211 Geneva 19  
Switzerland  
Tel: +41 22 717 9111  
Fax: +41 22 798 6150  
E-mail: [hq@iom.int](mailto:hq@iom.int)  
Website: [www.iom.int](http://www.iom.int)

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# Acronyms and abbreviations

ABP	Afghan Border Police
ABMKRI	Assessment of Border Management in the Kurdistan Region of Iraq
ANDMA	Afghanistan National Disaster Management Authority
AVRR	Assisted Voluntary Return and Reintegration
BCP	Border Crossing Point
BMD	Bureau of Migration and Displacement
BMIS	Border Management Information System
CAF	Civil Armed Forces
CAR	Commissionerate of Afghan Refugees Punjab
CBMMP	Capacity-building in Migration Management Programme
CIA	Central Intelligence Agency
DORA	Department of Residency Affairs (Iraq)
DoRR	Directorate of Refugees and Repatriation (Afghanistan)
DTM	Displacement Tracking Matrix
FATA	Federally Administered Tribal Areas
FC	Frontier Corps
FIA	Federal Investigation Agency (Pakistan)
GID	General Information Department (Iraq)
IBMS	Integrated Border Management System
ICMPD	International Centre for Migration Policy Development
INIS	Iraq National Intelligence Service
IOM	International Organization for Migration
ISAF	International Security Assistance Force
ISIS	Islamic State of Iraq and the Levant
ITC	Immigration Training Centre
MCOF	Migration Crisis Operational Framework
MFA	Ministry of Foreign Affairs (Afghanistan)
MoFA	Ministry of Foreign Affairs (Iraq)

MoLSAMD	Ministry of Labor, Social Affairs, Martyrs and Disabled (Afghanistan)
MoRR	Ministry of Refugees and Repatriation (Afghanistan)
MOU	Memorandum of Understanding
MRP	Machine-readable Passport
NADRA	National Database and Registration Authority (Pakistan)
NDMP	National Disaster Management Project (Afghanistan)
NGO	Non-governmental Organization
OSCE	Organization for Security and Co-operation in Europe
PISCES	Personal Identification Secure Comparison and Evaluation System
PND	Passport and Nationality Directorate (Iraq)
POR	Proof of Registration
PTF	Policy Task Force (Iraq)
SAARC	South Asian Association for Regional Cooperation
SAFRON	Ministry of States and Frontier Regions (Pakistan)
SNAP	Strategic National Action Plan
SOP	Standard Operating Procedure
UNDP	United Nations Development Programme
UNHCR	(Office of the) United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
VPN	Virtual Private Network

# Executive summary

This assessment report was produced in the context of the Silk Routes Partnership for Migration, an initiative of the Budapest Process. The aim of this report is to identify possible areas for future work in humanitarian border management, in order to advance the priority issues of the Silk Routes Partnership for Migration.

Humanitarian border management, sometimes also referred to as “crisis border management” or “emergency border management,” is a sector of assistance identified within the Migration Crisis Operational Framework (MCOF) of IOM.<sup>1</sup> Humanitarian border management covers border operations before, during and after humanitarian crises that trigger mass cross-border movements. Humanitarian border management recognizes the necessity of ensuring that border authorities are able to respond appropriately to cross-border migration arising from both natural and man-made disasters in a way that protects crisis-affected migrants and guarantees their human rights and interests while respecting national sovereignty and security.

Humanitarian border management differs from traditional border management in that the former concentrates on the event of an emergency or a humanitarian crisis – a situation when border posts may be confronted with extraordinary and protection-sensitive migration movements. Humanitarian border management seeks to help States balance the tension between humanitarian responsibilities towards protection-sensitive migration movements, and concerns for the safety and security of the countries of destination for those movements.

The Silk Routes countries participating in this assessment – Afghanistan, Iraq and Pakistan – have experienced periods of war, political instability, security concerns, natural disasters or economic instability in the last few decades. This has led to mass displacement movements both internally and across international borders, creating significant challenges for each of the Governments, including in relation to influxes and mass displacement of persons in need of humanitarian assistance, return and reintegration, and (for those countries experiencing crises) the consequences of brain drain.

This assessment includes desk research on legislation, regulatory frameworks, and policies for emergency and disaster management in Afghanistan, Iraq and Pakistan. An IOM assessment team

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<sup>1</sup> For more information, see IOM, *IOM Migration Crisis Operational Framework*, IOM Council, 101st Session, 15 November (Geneva, 2012). Available from [www.iom.int/files/live/sites/iom/files/What-We-Do/docs/MC2355\\_-\\_IOM\\_Migration\\_Crisis\\_Operational\\_Framework.pdf](http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/MC2355_-_IOM_Migration_Crisis_Operational_Framework.pdf).

undertook one assessment visit to each of the three countries. During the visit, the assessment team conducted interviews with senior officials from relevant ministries and representatives from national authorities as well as international organizations active in the field of border management.

This report follows a humanitarian border management assessment model, which consists of four main subject areas: regulation; administration; operations; and information management. Among other elements, good humanitarian border management practices include adequate preparedness, strong inter-agency cooperation, policy guidance targeted to the event of an emergency, a functioning registration system, clear operational guidance for border officers and others in related agencies, and sufficient infrastructure to enable communications among border posts and with headquarters.

## **AFGHANISTAN**

Of the three countries examined in this report, Afghanistan is unique in one important respect – the large-scale movement of migrants into and out of the country has largely been comprised of only its own nationals.<sup>2</sup> Therefore, a pragmatic, light-touch approach to the mobility of foreigners has been adopted by the Government. This approach has been steadily changing in Afghanistan over the last few years, in part because of a greater awareness of migration issues in the region and a general recognition of the need for integrated border management with a strong humanitarian basis.

The border crossing points (BCPs) seen as being most at risk from mass migration movements are: Torkham and Spin Boldak on the land border with Pakistan; and Islam Qala, which borders the Islamic Republic of Iran.

Interaction with Pakistan and the Islamic Republic of Iran on migration issues, both at the national and local levels, is well established, particularly in the area of repatriation and voluntary returns. The Afghan Border Police (ABP) is responsible for the control and management of BCPs. Training is conducted at provincial police colleges, with specialized migration-based training accorded to higher-calibre recruits who are inducted to the ABP after graduating as police officers. Funding for both recruitment and training facilities is acknowledged as not always being adequate. Due to the inhospitable terrain of land borders, communications are also in need of investment. Although the principal BCPs are covered, contact with and connections between more remote posts are not reliable. The lack of adequately established BCPs thus remains a major issue.

Over the last three or four years, it has been increasingly acknowledged that improved identity management through proper documentation and registration, whether of foreigners or Afghan nationals, coupled with the need for a clear awareness of what is happening at and across borders through border management systems, is an essential element in managing the security and economic well-being of the country.

Several programmes and projects to develop a national registration system, a border management information system (BMIS), legislation, and policy planning and migration information systems have been underway for the last three or four years, with significant input from the international community, including IOM. BMISs have already been installed at six locations and will be extended to seven more over the next two years, although fingerprint capture has sporadic technical issues that are currently being addressed. Interlinking biometric databases have been set up, national

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<sup>2</sup> At least, until the displacement of Pakistani families into Khost and Paktika provinces since June 2014.

identity and foreigner registration systems are awaiting government authorization to go live, and the travel document issuing system has been refined and strengthened, in conjunction with the introduction of machine-readable passports.

Extensive, inter-agency contingency planning for a national response to both man-made and natural disasters has existed for many years and is highly developed, internationally compliant and compatible with humanitarian requirements. It deals almost exclusively with the national and international response to internally displaced persons.

While a clear policy for disaster management exists, including immediate deployment of resources to affected areas, it has not yet been augmented by a comprehensive planning for handling mass migration across borders. Measures have been taken through the development of the Collective Preparedness Plan for Torkham BCP, which has the potential to make a significant contribution to the development of a generic contingency plan, both nationally and for Silk Routes countries and beyond. There has not been a comprehensive border management assessment in Afghanistan, but it is acknowledged that there is a need to map all BCPs to supply information to the national preparedness plan.

Contingency planning, both internally and at borders, has tended to be developed independently under the ministries and agencies responsible for different areas. Cooperation and consultation among ministries, neighbouring States and international organizations on producing plans that reflect the wider perspective, rather than a national response and at a much lower level, the response of individual BCPs, is steadily increasing. Although it is acknowledged that instructions are issued to border officers, this tends to be on an ad hoc basis and there is therefore a need for the development of consolidated standard operating procedures (SOPs), which should be included in contingency planning.

## **IRAQ**

At the time of assessment in the spring of 2014, security concerns prevented visiting Baghdad. Therefore, the assessment of humanitarian border management has focused on the Kurdistan Region of Iraq. The Kurdistan Region is part of the Republic of Iraq, although it is an autonomous region. The Iraqi constitution mandates that the ministries of Iraq and the Kurdistan Regional Government of Iraq (Regional Government) work together. Although there were issues between them, good cooperation still exists.

Both the Regional Government's and Iraq Department of Residency Affairs (DORA), which are responsible for maintaining front-line immigration controls, are equipped with a border management system in the main BCPs, and there is an intention to extend coverage. While fingerprints are not routinely collected from travellers, the system is capable of doing so and harvesting of biometric data is firmly on the border management agenda. Moves to homogenize training between officials of the Regional Government and Iraq, initiated by IOM-led workshops in 2013, indicate a willingness to introduce further consistency between the two departments through three immigration training centres across Iraq; work is underway to develop common curricula.

While clear policy statements on how internal displacement and mass movements are managed are not available in the public domain, the Regional Government, for the most part, has kept BCPs open and provided humanitarian protection, shelter and material assistance. While current operational policy is to move individuals away from BCPs before registration takes place, the authorities appeared open to suggestions that at least limited identity data could be taken closer to the border to increase the current level of full registration and identify vulnerable individuals at an early stage. Communications are reported to be reliable with access to good mobile telephone coverage, secure land lines and the Internet.

From a wider policy perspective, Policy Task Force (PTF) was established by the Government of Iraq to provide a forum for ministries and agencies in the migration structure to develop coordinated policy to provide input to planning issues. Emergency committees comprising government agencies, non-governmental organizations (NGOs) and provincial governors were formed several years ago to deal with cross-border mass movements and internal displacement due to disasters, and these committees still operate today. The need for future planning, coordination and clear delineation for responsibility was highlighted by officials, which would substantially assist the emergency committees. The formation of specially trained rapid response teams to deal with emergency movements at borders would also enhance capability, as would mobile screening and registration equipment. SOPs are not currently available to border officers.

## PAKISTAN

For Pakistan, most significant mass movements in recent history have come from Afghanistan, almost exclusively through the land BCPs at Torkham and Chaman, and have ebbed and flowed over the last several years.

Border management in Pakistan, from a technological point of view, is advanced and innovative. BMIS have been constructed internally by the National Database and Registration Authority (NADRA), which has emerged as a leader in the technology development field, as have the various registration databases. System integration appears to be good and continues to improve. The Federal Investigation Agency (FIA), which has responsibility for manning BCPs, is a professional, disciplined service, despite being – reportedly – underresourced. The way in which millions of refugees have been absorbed is a credit to the agencies involved in the migration structure, as is the willingness of the Government to engage, particularly with Afghanistan and, to a lesser extent, with the Islamic Republic of Iran, on migration issues that jointly affect them, specifically voluntary returns and reintegration.

There is a contingency plan based on a UN model nearing completion that will bring emergencies at borders into the general field of disaster contingency planning. Although it was not possible for the assessment team to see the draft contingency plan, from the interviews conducted during the country visit there are indications that the issues being addressed by the plan will cover aspects of crisis management at borders, which have to date attracted reactionary responses.

That said, at the moment a policy is not entirely clear and opinion on how crisis movements should be controlled and handled is not yet fully defined at the senior management level. The Indian and northern borders are not perceived to be at risk from mass migration, as is the Iranian border in the south-west, so most effort is concentrated on the border with Afghanistan. There has emerged a picture of Torkham and Chaman having very limited immigration control for the vast majority of travellers, which has evolved principally because of the nature of border communities, a hostile environment and limited resources. It was reported, however, that there is a genuine desire at the highest levels of the Pakistani Government to address these issues and implement a more robust control structure, starting with at least basic identity and traffic recording measures as close to the border as practical.

Because of the nature and location of BCPs, specifically on the border with Afghanistan, there is a tendency for choke points to develop when traffic is heavy. While the authorities are aware of this, there are political difficulties in moving control infrastructure back from the current border demarcated by the Durand line. Thus, attempts to introduce checks on all travellers have precipitated violent confrontation in the past.

While the FIA holds the remit for immigration control, the Ministry of Interior has overall responsibility for border policing. Although coordination of activity in migration control is taking place at lower levels, there does not appear to be a single department or unit within the Ministry of Interior to deal specifically with high-level border management across all of the agencies in the migration sector.



## RECOMMENDATIONS

The Silk Routes Partnership has six priorities, three of which could be advanced with good humanitarian border management practices: improving conditions for legal migration and mobility; preventing and counteracting irregular migration; and promoting international protection. Following are recommendations for possible areas for future work in humanitarian border management, in order to advance these three priority issues. These recommendations are based on the assessments of all three countries, and may apply to each of the individual countries in full, in part or not at all.

### Improving conditions for legal migration and mobility

It is recommended that:

- The responsible ministry or agency in each country conducts a full analysis of all BCPs to assess their susceptibility to emergency mass migration movements. This would also include a mapping of existing infrastructure in the border area, human resources and (specialized) equipment for use in both everyday and emergency situations.
- To the extent not already available, the responsible ministry or agency develops and deploys mobile equipment to BCPs in order to enable registration and communication in emergency situations. Contingency plans should provide an inventory of equipment and its location. In the event of mass influx, the responsible agency would need to ensure the availability of an initial registration system at BCPs to collect basic identity information prior to subsequent enhanced screening in-country, with the objective that all travellers are recorded, properly examined, counted and checked against alert lists where possible. The aim should be to establish consistent, effective and humanitarian border management across the entire migration sector with systems that have the capacity to respond to and efficiently manage large-scale emergency precipitated migration movements, as well as day-to-day traffic. The objective would be that all registration databases, both for nationals and migrants, are capable of taking photographs and collecting fingerprints. They should be linked to each other to prevent fraud and criminal activity. Moreover, they should comply with international standards for data protection.
- The responsible ministry or agency establishes rapid reaction teams for deployment to emergencies at borders. The teams would consist of experienced officers who would be able to conduct rapid assessments, provide quick training or advice to border officials, and make recommendations to headquarters to further risk analysis. It is recommended that teams are preferably multi-agency but, if not, at least familiar with working with each other. This could be promoted by carrying out joint exercises on a regular basis.
- The responsible ministry or agency develops a policy relating to emergency mass movements, which makes clear whether or not border posts will remain open in the event of a crisis. If restrictions on BCP operation are imposed, the criteria applied to those crossing should be clearly spelled out in the policy and in SOPs.
- The responsible ministry or agency drafts and disseminates SOPs for border control staff to all BCPs, either for day-to-day operations or for response to emergencies. Existing operating procedures at all BCPs should be reviewed in order to assess the effectiveness of controls and compliance with relevant international conventions and protocols, from both routine management and humanitarian aspects.
- At BCPs at risk of mass influx, the responsible ministry or agency considers establishing control and screening facilities far enough back from existing BCPs to avoid bottlenecks but close enough to prevent evasion of controls.
- The responsible ministry or agency prepares a strategic plan for dealing with mass movements at the border. The plan should allocate areas of responsibility to all agencies and government bodies in the migration structure and issue clear instructions on what is required of them. On the basis of this assessment, the responsible agency should develop tactical plans and standard operating instructions for its own staff, which should

be shared with other agencies. A possible model for these plans could be the contingency planning for response to disasters that is generally in place.

- Contingency plans are jointly prepared with neighbouring countries or should at least be shared with them. Contingency plans should, at the strategic level, be generic and capable of being quickly adapted to any emergency situation at individual or multiple BCPs.
- The responsible ministry or agency ensures that legislation includes provisions to define the immigration status of emergency relief workers to allow them to carry out their functions and facilitate their entry and exit without the need for a pre-entry visa. In addition, it should be ensured that legislation and policy allows for the entry and movement of relief goods.

## Preventing and counteracting irregular migration

It is recommended that:

- Facilities are available at borders to allow for checking of all travellers against alert lists and registration databases, supported by biometric capability, where communications and IT infrastructure allow.
- To an extent not already existent, the responsible ministry considers the establishment of a migration analysis and investigations unit responsible for collecting, collating and analysing migration data; fraudulent documentation; recording and managing information in a dedicated intelligence database; preparing and disseminating reports and alerts; and conducting international liaison and intelligence exchanges with other foreign immigration and intelligence agencies.
- The responsible ministry or agency ensures that training on anti-trafficking in persons and anti-human smuggling includes training on information gathering at borders to enable border officers to effectively support the intelligence development process.
- Agreements governing the return of irregular migrants reflect the need to protect human rights and allow for their readmission in a humane and dignified manner.

## Promoting international protection

It is recommended that:

- SOPs for border control staff and others in the migration structure cover humanitarian protection and procedures on how to discharge obligations under international conventions and treaties. Migrants identified at borders as being victims of trafficking or vulnerable in any other way should be referred to relevant international agencies for proper accommodation and be given nourishment as well as access to medical treatment. Referral procedures should be explicitly stated in SOPs.
- The responsible ministry or agency ensures that training curriculum for border officers includes training on asylum, protection of refugees and vulnerable migrants, and obligations under international law, as well as for induction training. In addition, it should be ensured that all recruits get consolidation training on a regular basis throughout their career. The responsible agency should provide training on humanitarian border management, which should inform border authorities about the adequate balancing between security and protection concerns at the border during a crisis. To the extent not already done, training for trainers should be developed to provide sustainability in the training structure.
- While all immigration officers should be appropriately trained, those involved in screening migrants during mass movements should receive enhanced, specialist training on anti-trafficking in persons, anti-human smuggling and protection needs of vulnerable persons. The responsible ministry or agency should give further consideration to

establishing a register of suitably trained officers who can be deployed to emergency situations at short notice, including as part of the rapid response team.

- The responsible ministry in each Silk Routes country reviews the UN conventions and protocols that they have signed and ratified to ensure proper compliance with international standards. They should consider taking steps to sign and ratify those that they have not yet officially adopted, particularly those relating to the status of refugees and Stateless persons and the protocols against trafficking in persons and human smuggling.



# 1. Introduction

This report was produced in the context of the Silk Routes Partnership for Migration, an initiative developed under the Budapest Process, one of the principal Regional Consultative Processes on Migration.<sup>3</sup> The aim of this report is to provide an assessment of the humanitarian border management capacities of Afghanistan, Iraq and Pakistan, and to identify possible future areas of activity in relation to the priority issues identified in the Silk Routes Partnership for Migration, as described in the Istanbul Ministerial Declaration.

This chapter provides an overview of the Budapest Process and the Silk Routes Partnership for Migration; an introduction to the concept of humanitarian border management, which has been developed by IOM within the Migration Crisis Operational Framework (MCOF);<sup>4</sup> and further information on humanitarian border management assessments and best practices.

## 1.1. The Budapest Process and the Silk Routes Partnership for Migration

With the aim to develop comprehensive and sustainable systems for orderly migration, the Budapest Process constitutes one of the longest-standing cooperation frameworks on migration for Europe and its eastern neighbours. It provides an informal and flexible framework for its members – over 50 governments and 10 international organizations – to address the complexities and challenges of the wider phenomenon of migration. Through dialogue, information and experience exchange, a common understanding of migration concepts and policies is promoted. Adhering and adjusting to the priorities of participating States is a key feature of the Process and has contributed substantially to its success.



Source: Budapest Process Secretariat (ICMPD), 2013; available from <https://www.budapestprocess.org/about/gallery/category/7-5th-budapest-process-ministerial-conference-a-silk-routes-partnership-for-migration-istanbul-2013>.

<sup>3</sup> For more information, see the website of the Budapest Process: [www.budapestprocess.org/](http://www.budapestprocess.org/).

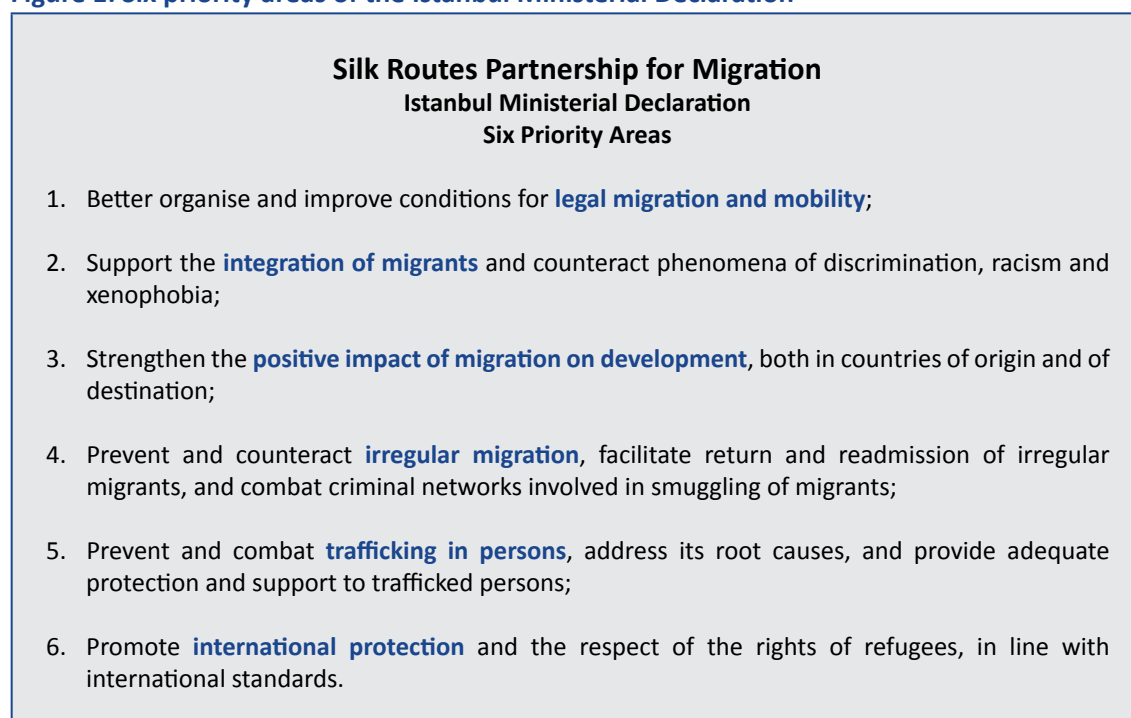
<sup>4</sup> For more information, see: IOM, *IOM Migration Crisis Operational Framework*, IOM Council, 101st Session, 15 November (Geneva, 2012). Available from [www.iom.int/files/live/sites/iom/files/What-We-Do/docs/MC2355\\_-\\_IOM\\_Migration\\_Crisis\\_Operational\\_Framework.pdf](http://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/MC2355_-_IOM_Migration_Crisis_Operational_Framework.pdf).

The Budapest Process is currently chaired by Turkey (since 2006), with Hungary acting as co-chair. The Vienna-based International Centre for Migration Policy Development (ICMPD) serves as the Secretariat, which is responsible for administrative support, coordination of activities, liaison with partner countries and organizations, and facilitation of further cooperation. There are three regional working groups covering the following priority regions: the South East European Region (chaired by Croatia); the Black Sea Region (chaired by Bulgaria); and the Silk Routes Region (chaired by Turkey and co-chaired by Afghanistan).

Through the adoption of the Istanbul Ministerial Declaration during the 5th Budapest Process Ministerial Conference held in Istanbul on 19 April 2013, the Silk Routes Partnership for Migration was established “with the objective to promote further dialogue and mutual cooperation in managing migration flows taking place along the Silk Routes”.

The Istanbul Ministerial Declaration organized several initiatives around six **priority areas** of the Silk Routes Partnership, as described in Figure 1.

**Figure 1: Six priority areas of the Istanbul Ministerial Declaration**

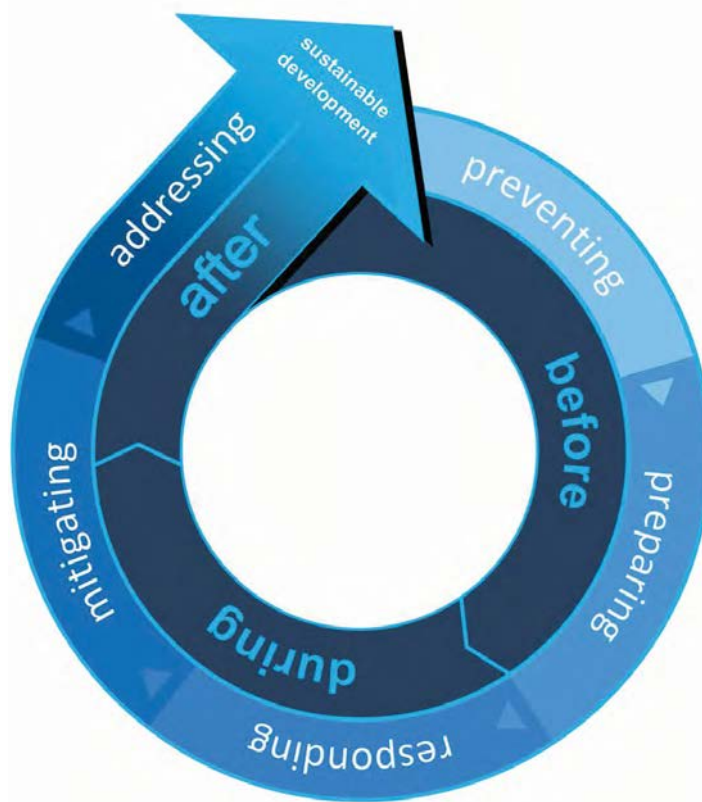


Source: Budapest Process, 2013.

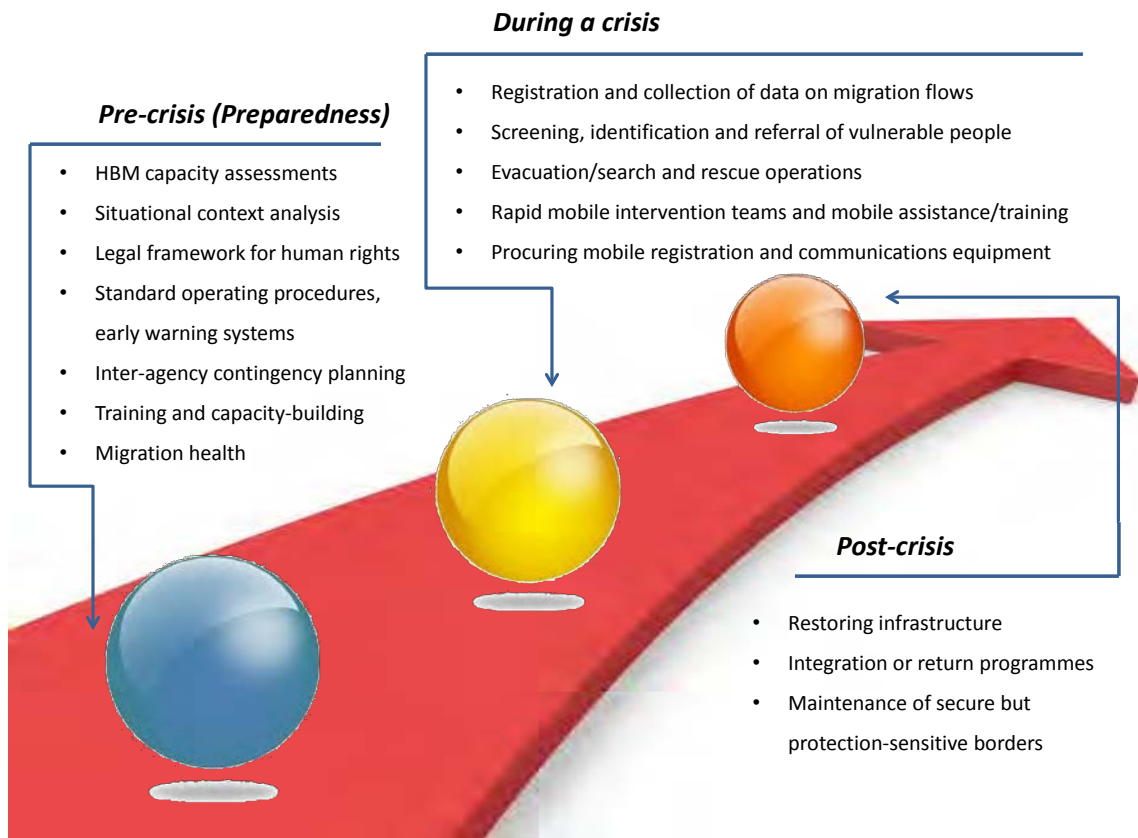
With a view to implementing the Silk Routes Partnership for Migration, senior officials agreed at the end of 2013 on the Budapest Process/Silk Routes Partnership Multi-Annual Strategy 2014–2016. The strategy encompasses a number of concrete projects due to start as of 2014 as well as future perspectives for the geographic working groups. The “Humanitarian Border Management in the Silk Routes Region” project is one of the projects developed and conducted in the context of the Silk Routes Partnership for Migration. The objective is to provide recommendations on possible future areas of activity, in particular for the priorities related to legal migration and mobility, prevention of irregular migration and promotion of international protection. This report is consequently intended to contribute to the identification of future areas of activity that could be considered by the participants of the Silk Routes Partnership, in order to avoid duplication in future projects. This will assist in the best use of resources directed to the priorities of the Silk Routes Partnership for Migration.

## 1.2. The concept of humanitarian border management

The countries participating in this project – Afghanistan, Iraq and Pakistan – have experienced periods of war, political instability, security concerns, natural disasters and economic instability in the last several decades. Among other things, these events have led to mass movements of people internally and across international borders, creating challenges for governments to deal with influxes of persons in need of assistance. The Silk Routes region as a whole is susceptible to recurring natural hazards, environmental degradation and the detrimental impacts of climate change. Environmental and climate change-induced displacement and migration are expected to increase to challenging proportions in the near future. Moreover, some Silk Routes countries remain a major source, transit and destination points for trafficking in persons and human smuggling.



The concept of humanitarian border management is therefore a useful lens for examination of how Silk Routes countries respond to emergencies and mass migration movements. The humanitarian border management concept covers border operations before, during and after humanitarian crises that trigger mass cross-border migration. Humanitarian border management recognizes the necessity of ensuring that border authorities are prepared to respond appropriately to cross-border movements arising from both natural and man-made disasters, in a way that protects crisis-affected migrants and guarantees their human rights and interests while respecting national sovereignty and security.

**Figure 2: Humanitarian border management stages of intervention**

Source: IOM, 2014.

Among other causes, human rights abuses, economic crises, terrorism, drug and arms trafficking, environmental disasters or health crises present a direct threat to human security and may drive individuals across borders to pursue improved security abroad. Population movements during migration crisis include people on the move who may not fit easily into established protection categories, yet they are vulnerable and require protection.

Humanitarian border management, sometimes also referred to as crisis border management or emergency border management, is a sector of assistance identified within the MCOF. It is related to other areas of MCOF, in particular disaster risk reduction and emergency consular services. IOM's approach to humanitarian border management draws on its experience to help States manage humanitarian crises, delivering humanitarian assistance, and providing capacity-building programmes in border management.

Humanitarian border management differs from traditional border management in that the former concentrates on the event of an emergency or a humanitarian crisis – a situation when border posts are confronted with extraordinary, protection-sensitive migration movements. Various types of crises may also result in a sudden influx of relief goods, equipment and personnel, while at the same time people may decide or be forced to flee across the border and emergencies may threaten to spill over to neighbouring countries. Officials at the border are usually the first to be confronted with such unusual movement dynamics and border security can become affected. Therefore, the predominant focus of humanitarian border management is on improving the capacities of border officials to deal with emergency situations to help reduce uncertainty and provide adequate response mechanisms. Humanitarian border management rests on the premise that well-managed crisis response can help prevent the closure of borders and assist the international community in responding effectively to migrants' humanitarian needs.



Border management agencies (immigration, police, customs, quarantine and armed forces) need to be equipped with the appropriate legal and operational systems and mechanisms in order to respond to humanitarian crises and mass movements. For example, an efficient needs assessment and referral system (i.e. a support network of agencies and individuals) is necessary in order to assist migrants more effectively with a variety of vulnerabilities and protection needs when they are moving in large numbers across international borders. Protracted crises require responses from border and immigration officials. States need to record migration movements in order to measure and understand these movements, enabling government agencies as well as the international community to examine the causes and incentives for these movements and develop possible solutions.

Border authorities can thus play a crucial role in assessing individual needs for emergency care and referring vulnerable migrants to appropriate authorities, whether to other national agencies or to international humanitarian agencies operating on the ground. In many countries, border areas are often inhabited by minorities, who may suffer from oppression by foreign armed groups or crossfire of military actions to push back incursions. Therefore, these areas require specific and timely humanitarian protection measures to prevent any further victimization of already vulnerable populations. The concerned geographical areas are often likely to be affected by cross-border movements of combatants seeking logistical support lines, recruitment of supporters and/or a safe haven against persecution. Such crises can provoke augmented risks for smuggling and trafficking, including of arms, drugs and persons, across borders. Humanitarian border management therefore seeks to help States balance the tension between humanitarian responsibility and concerns for the safety and security of migrants and the countries of destination.

Managing protracted mass movements also includes regional and international cooperation on readmission, returns, economic development and integration, as well as respect for the international protection of migrants in need.

Common humanitarian border management activities would include:

- Training on international humanitarian law, human rights law and data protection, maritime law, and specifically international law and standards for the protection of migrants;
- Drafting or review of SOPs for natural, man-made or health emergencies, originating internally or in neighbouring States;
- Creation of systems and equipment to record migration movements, including in times of emergencies;
- Setting up of an efficient referral system nationally or with international agencies to assist migrants and provide humanitarian relief services;
- Training on evaluating migration movements and migration policies related to identity, temporary entry, health requirements, smuggling and trafficking, and migrants in need of protection;
- Creation of inter-agency, regional or international working groups to ensure collaboration or oversight;
- Creation of border measures to assist in the delivery of aid, including goods and equipment, and entry for humanitarian workers.

Following are international conventions relevant to humanitarian border management:

- Universal Declaration of Human Rights;
- Convention on the Rights of the Child;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- Convention on the Elimination of All Forms of Discrimination against Women;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of Persons with Disabilities;
- International Covenant on Economic, Social and Cultural Rights;
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- Convention Relating to the Status of Refugees;
- Convention Relating to the Status of Stateless Persons;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

### 1.3. Humanitarian border management assessments and best practices

This assessment follows a humanitarian border management assessment model, which consists of four main pillars: regulatory framework; administration; operations; and information technology (IT).

The first pillar, regulatory framework, comprises a review of policies, legislation and regulations related to migration emergencies or sudden changes in migratory movements precipitated, for example, by man-made or natural disasters. It also encompasses the government's approach to relationships with other States, particular neighbouring States, and international organizations in preparing for and managing mass movements. For example, the framework would allow international organizations to provide humanitarian assistance to individuals caught in crises.

National policy and legislation would ideally include provisions to cover mass migration movements. Relevant international conventions and protocols would be ratified and implemented in domestic legislation to ensure the protection of vulnerable migrants and respect for human rights. Measures to facilitate the deployment of international relief efforts would be incorporated, including the relaxation or suspension of visa and customs requirements for foreign workers and equipment, and exceptions for the registration and control of migrants. A policy of legally enabled registration and monitoring is central to establishing the extent of any influx, recording identity, managing accommodation, providing aid, protecting national security, disrupting organized crime and eventually asylum or return/repatriation.

The administration part of the assessment requires mapping and identification of the security structure (e.g. camp infrastructure), number and locations of all official land, air and sea border checkpoints. The administration pillar also covers training of border officials and related staff, to include humanitarian border management and inter-agency cooperation and oversight between relevant stakeholders active in the field of border management.

Comprehensive analysis of BCPs and their susceptibility to mass movements is essential. It is important that authorities, with whom primary responsibility for border control rests, are aware of the operational capacity of all BCPs and, in particular, the ability of these posts to respond to mass migration driven by emergency. BCPs should be able to provide humanitarian response in accordance with international norms. It is therefore a good practice to map all BCPs to provide a comprehensive picture of resources – human, infrastructure and equipment – that are available for or adaptable to emergencies. While BCP mapping and integrated border management assessments have in the past covered day-to-day operational border management in considerable detail, they do not often include projections or gap analyses for emergency response.

An integral part of mapping and analysis should also be identifying the susceptibility of borders and BCPs to mass migration, based on historical precedent, the regional political landscape and the threat from natural disasters. For example, although international airports receive worldwide traffic, they are not generally considered susceptible to large-scale migrant movements in emergencies because most migrants affected by conflict or natural disasters will often not have the financial resources, travel documentation such as passports and visas, or access to airports necessary for air travel. Seaports are significantly more prone to large migrant movements than airports, but the extent of the problem will be governed by the size and volume of vessels to which migrants have access and the distance to the destination. There are of course precedents, most notably the large-scale movement of migrants from North Africa. Finally, land borders are by far the most vulnerable to crisis-driven migration. They are more accessible than other routes and the difficulty of effective policing over often inhospitable terrain leaves them open to clandestine penetration. They also provide access for vehicles, including trains, which enable migrants to travel quickly and carry more of their possessions with them. Additionally, indigenous communities straddle borders and there are established community networks already in existence prior to an emergency exodus.

In order to be able to respond effectively to mass migration movements, an overarching contingency plan covering all agencies is essential. Often, contingency plans are prepared by individual national and international agencies and while some are also interlinked, it is unusual to find one that succeeds in covering all agencies with clearly defined areas of responsibility and networked operating instructions. Ideally, plans should include interaction with neighbouring countries and be developed jointly.

Regarding operations, a humanitarian border management assessment would determine whether clear and comprehensive SOPs for migration emergencies (precipitated by natural disasters, armed conflict, health crisis or other factors) exist and are distributed to all BCPs. Furthermore, the assessment should make out the potential or the existence of joint integrated border management activities and operating procedures. Finally, a humanitarian border management assessment should look into the facilitation of returns and readmissions (including facilitation of repatriation service) after an emergency has improved or a crisis has been resolved.

BCPs cannot routinely be resourced to deal with a mass influx of migrants, so the establishment of rapid reaction teams can help governments respond to crises. Rapid response teams of highly trained and experienced officers could be established to immediately mobilize in the event of emergency to carry out screening and basic identity registration as close to the border as possible. Rapid reaction teams should ideally be multi-agency, and should train and conduct joint exercises with relief and other agencies. They could provide training and support, assess infrastructure and communication needs, and collect information to convey to officials responsible for information analysis and intelligence.

All organizations should have some form of SOPs and those in the migration structure are no exception. In the context of humanitarian border management, this particularly applies to border control agencies as it is essential that all officers comply with the law, especially in relation to human rights, protection and security. They should have a consolidated source of reference material available for when they encounter situations with which they are not familiar. SOPs should ideally be comprehensive, unambiguous, regularly updated and accessible to all officers in hard and soft copies. Where SOPs do not exist or are inadequate, full reviews of operating procedures, especially at BCPs, will be required.

SOPs for emergencies would need to cover how border officials should interact with international organizations responsible for delivering humanitarian assistance. SOPs would include instructions on referring migrants, especially vulnerable migrants or those who wish to seek protection, to relevant international organizations.

Good governance at the border requires adequate training for border officials; this includes training on how to deal with mass movements at the border. SOPs (as discussed earlier) can be helpful in providing instructions to border officers to deal with unusual or unfamiliar circumstances, but there is little substitute for a well-trained workforce. Training relevant for humanitarian border management would include training on: protection standards; role of international agencies, their staff and relief goods; a review of SOPs for emergencies; registration techniques and reviewing documents; identification of combatants and human smugglers; interviewing techniques; and identification of migrants in need of assistance, including victims of trafficking.

For information management, a humanitarian border management assessment examines a country's procedures for identity and risk management and the existence of emergency passport/visa systems, including transit visas. This includes identity management and biometric registrations, and systems to record referrals to international organizations if necessary.

The lack of information and intelligence will, at best, hamper response to mass migration and, at worst, create chaos. Gathering of information takes many forms, ranging from technical systems such as BMIS and computerized registration of nationals, foreigners and refugees, to individual officers being aware of the need for the collection and reporting of events and incidents that occur on a daily basis. All information should be recorded, preferably electronically, on interlinked storage and retrieval systems capable of interrogating each other. BMIS is an essential tool in border management for many reasons, including understanding migration patterns and security. During crises, a BMIS that can manage a significant increase in registrations – using mobile equipment for example – is essential. A BMIS that collects biometric information can be particularly important in a crisis because some migrants can be travelling without adequate identification documents.

## 1.4. Assessment methodology

This assessment includes desk research on legislation, regulatory frameworks, and policies for emergency and disaster management in the three countries under assessment: Afghanistan, Iraq and Pakistan. Web-based research on media coverage of contemporary border control and security, migration and identity management issues relevant to the Silk Routes Region was conducted throughout this assessment. The assessment team relied on information contained in the reports on the three participating countries authored by the ICMPD in the context of the Silk Routes Partnership for Migration. Finally, the IOM assessment team undertook three week-long assessment missions to each of the three countries to conduct interviews with senior officials from relevant ministries in the respective governments.

In Afghanistan, the assessment team visited Kabul and conducted interviews with representatives from the ABP, the Afghan Department of Returns and Reintegration, and IOM Programme Coordinators in IOM Afghanistan Country Office. Due to the fragile security situation surrounding the 2014 presidential elections in the country, the assessment team was not able to conduct any border visit within the limited time period of the field assessment visit.

In Iraq, meetings were arranged with the Director of the Bureau of Migration and Displacement of the Iraqi Ministry of Interior, senior representatives of the Passport and Nationality Directorate (PND) of the Ministry of Interior, and Senior Protection Officers from the Office of the United Nations High Commissioner for Refugees (UNHCR) in Erbil. A field visit to the Ibrahim al-Khalil BCP with Turkey was conducted and included meetings with the Manager and Deputy Manager of the Ibrahim al-Khalil border crossing point as well as a Senior Officer from the DORA, the national agency responsible for front-line immigration control at all Iraqi border crossing points. In Pakistan, the assessment team met with the Chief Commissioner for Afghan Refugees and the Joint Secretary (States and Territorial Affairs) of the Ministry of States and Frontiers as well as

the Director of the Immigration Wing of the FIA in Islamabad. Meetings with senior government officials were complemented by interviews with Senior Protection Officers of UNHCR Pakistan, the Chief Immigration Officer of the Australian High Commission in Pakistan and Project Officers at IOM Iraq Country Office. The mission included a two-day trip to Lahore and the India–Pakistan border region including the Wagah border checkpoint.



# 2. Analysis by country

## 2.1. Afghanistan

Figure 3: Map of Afghanistan



Source: United Nations website, cartographic section, 2014.

Afghanistan, officially the Islamic Republic of Afghanistan, is a landlocked country that covers an area of 652,230 sq km (approximately 252,000 sq mi). The country has land borders of 5,529 km in total. It shares borders with China (76 km), the Islamic Republic of Iran (936 km) and Pakistan (2,430 km); and with Tajikistan (1,206 km), Turkmenistan (744 km) and Uzbekistan (137 km).

Afghanistan has been an ancient focal point of the Silk Road and human migration. Its strategic position sandwiched between the Middle East, Central Asia and the Indian subcontinent along the ancient Silk Route explains why the territory of Afghanistan has long been fought over despite its landlocked, mountainous and forbidding terrain.



Source: Petty Officer 1st Class Mark O'Donald (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/e/e3/Welcome\\_to\\_Afghanistan\\_in\\_Hairatan.jpg](http://upload.wikimedia.org/wikipedia/commons/e/e3/Welcome_to_Afghanistan_in_Hairatan.jpg).

Some 130,000 troops of the International Security Assistance Force (ISAF) will leave Afghanistan by December 2014. The drawdown is likely to be accompanied by a concomitant decline in international development assistance. Tentative steps towards a negotiated peace agreement began in 2012, when the Taliban announced it had agreed to open an office in Dubai for talks with the international community.

Just as important as the security transition is the political and economic transition in Afghanistan, which will specifically be determined by the outcome of the April 2014 presidential elections. Political and security uncertainties are expected to limit private-sector growth in the coming years (World Bank, 2014). The number of conflict-induced internally displaced persons is currently estimated at some 600,000 and this figure may rise further in 2014 (UNHCR, 2014).



## 2.1.1. Situational context analysis on exposure and vulnerability to potential migration crisis scenarios

### 2.1.1.1. Socioeconomic context of migration

This section outlines the factors influencing migration flows to and from Afghanistan to gain insight into how they may change in the future, what factors may influence changes and where large-scale migrant movements may emanate from. The socioeconomic context of migration to and from Afghanistan has been covered in detail in various reports over the years, the most recent being the 2014 International Centre for Migration Policy Development (ICMPD) publication *Afghanistan Migration Country Report* and the 2014 IOM-commissioned working paper “Transition, Crisis and Mobility in Afghanistan: Rhetoric and Reality” by Dr Khalid Koser. Both publications consolidated and updated a large volume of open source material to provide a detailed picture of migration issues and management. This section provides a brief synopsis of the socioeconomic context of migration in Afghanistan, which draws on information from these reports and other source material.

Afghanistan’s economy is recovering from decades of conflict. The economy has improved significantly since the fall of the Taliban regime in 2001, largely because of the infusion of international assistance and rapid service-sector growth. Despite the progress of the past few years, Afghanistan remains highly dependent on foreign aid, but despite this help the Government of Afghanistan will need to overcome a number of challenges, including low revenue collection, anemic job creation and poor public infrastructure (CIA, 2014a).



Afghanistan has sustained a high but volatile GDP growth over the past 10 years. Real GDP growth averaged 9.2 per cent between 2003 and 2012. In 2012, GDP growth reached an estimated 12.5 per cent, thanks to favourable weather conditions and an exceptional harvest. Typically, agriculture accounts for one fourth to one third of the country’s GDP, depending on annual output and accommodates almost 80 per cent of employment (World Bank, 2014). Since 2004, a high demand in the service sector has emerged, with increasing donor activities and presence of the international community. Current GDP by sector of origin is as follows: agriculture, 20 per cent; industry, 25.6 per cent; services, 54.4 per cent (ibid.).

Despite an unstable security environment, poor health, and poor water and sanitation infrastructure, the country has recently managed to attract foreign capital and investors and

is gradually establishing its investment setting predominantly in the construction and service sectors. However, the lack of skilled labour is seen by the authorities as a serious problem obstructing the development of the country. Economic migration from Afghanistan is primarily rural–urban and to neighbouring Pakistan and the Islamic Republic of Iran.

According to a 2009 UNHCR study on cross-border populations between Afghanistan and Pakistan, economic motivations remain the driving factor leading Afghans to travel to Pakistan, citing the lack of work in Afghanistan as the predominant reason (Altai Consulting, 2009). It has been shown though that there is generally no significant financial advantage for Afghans to living and working in Pakistan. The objective of migration is for the heads of household and main wage earners to meet the needs and expenses of their households by taking up casual labour, rather than to accumulate wealth or savings over the medium or long term. Only 5.9 per cent of migrants interviewed declared remitting money back to Afghanistan and 19.3 per cent declared having brought back money from their last trip to Pakistan (*ibid.*:2). Saving money and sending it back home is therefore not the priority of Afghans crossing the border into Pakistan. The temporary and cyclical travel movement therefore does not allow for the improvement of the economic and financial situation of entire families or communities (*ibid.*:2–3). According to World Bank (2014) estimates, 400,000–500,000 Afghans will join the labour market every year over the next 5–10 years, but few jobs are being created, especially in rural areas.

Well-established transnational social networks have been established with, in particular, Pakistan and the Islamic Republic of Iran, which has translated into a more organized and structured movement of temporary and cyclical Afghan migration. Many Afghans have family members or relatives in Pakistan and the Islamic Republic of Iran, on whom they may be able to rely should they decide to leave Afghanistan (Koser, 2014:23). Relying on informal support by relatives is likely to become increasingly significant as the Governments in both Pakistan and the Islamic Republic of Iran tighten their reception policies for Afghan refugees.

The back-and-forth movement of Afghans residing on both sides of the border to the neighbouring country maintains a way of life and a transnational routine at the heart of livelihood strategies and networking ties of communities divided by national borders. Population movements have reverted to a more familiar and normal pattern; they are now predominantly temporary and cyclical in nature (Altai Consulting, 2009:3).

### 2.1.1.2. Migration dynamics and patterns

Mobility has been a fundamental strategy for Afghans over the last 35 years, mostly driven by the desire for economic and social improvement (Koser, 2014:9). Migration patterns in Afghanistan are still marked by huge emigration and refugee outflows, as well as growing internal migration and displacement. It is rather unusual for people without an Afghan background to immigrate to Afghanistan.

### Refugees

About one in three of the population – approximately 10 million Afghans in total – has been a refugee at least once during the last few decades (*ibid.*). Today, more than one in eight Afghans still live outside the country as refugees, undocumented migrants or as part of the wider diaspora (Koser, 2014:90). Since the fall of the Taliban regime, an estimated 6 million refugees have repatriated to Afghanistan, the majority returning from Pakistan and the Islamic Republic of Iran, largely heading towards the provinces of Kabul (26%) and Nangarhar (20%). The UNHCR voluntary return programme to Afghanistan is the largest such operation in the world, having assisted a total of 4.7 million people from 2002 to December 2013. In 2002 alone, the voluntary return of over 1.5 million Afghans from Pakistan marked the single largest refugee return in the world since 1972 (ICMPD, 2014a). Poor prospects for rapid economic and social improvements,

together with persistent concerns about security in Afghanistan post-2014, have resulted in a decline in return rates since 2005. In 2013, only 38,766 refugees repatriated to Afghanistan – a 54 per cent reduction from the same period in the previous year (UNHCR, 2014a; Koser, 2014:10).

It is estimated that there are currently still more than 2.5 million registered Afghan refugees living outside their country, meaning that in every four refugees in the world, one is from Afghanistan (UNHCR, 2014a). Pakistan currently hosts some 1.6 million registered Afghans and the Islamic Republic of Iran hosts some 800,000 registered Afghan refugees, based on latest UNHCR numbers (ICMPD, 2014a:17). Conversely, according to the latest UNHCR (2014b) fact sheet, as of December 2013, there were 72 refugees, 75 asylum-seekers and about 16,791 people of Pakistani origin living in a refugee-like situation in Afghanistan.

While Afghanistan is considered – first and foremost – a country of origin of refugees, the military operations in North Waziristan Agency in Pakistan in June 2014 led to an influx of approximately 13,000 families into Khost and Paktika provinces in Afghanistan. While the displaced population mainly consists of Pakistani families, it also includes several Afghan returnees from North Waziristan (UNHCR, 2014c:6).

### Internal displacement

As of December 2013, a total of 631,286 persons remained in internal displacement as a result of conflict in Afghanistan according to recent UNHCR estimates (*ibid.*). Among them, 124,354 individuals – largely being of Pashtun and Kuchi origin – were recorded as newly displaced in the same year, in the southern and western regions of the country. The number of internally displaced persons is projected to rise further in 2014 due to the volatile security situation surrounding the 2014 elections (UNHCR, 2014a). Moreover, there is a protracted caseload living in camps mainly in the south, and estimated by UNHCR to number about 74,000 (Koser, 2014:12).

Another category of internally displaced persons comprises those displaced by natural disasters. IOM estimates that 9,365 people (comprising 1,611 families) were newly displaced by natural disasters in 2013, adding to a growing population of internally displaced by natural disasters not enumerated accurately in existing statistics. Trafficking in persons within Afghanistan, estimated by several sources to take place at a significant scale, constitutes another source of internal displacement.

Various sources predict that more internal displacement in Afghanistan will be the most significant displacement outcome of the political, economic and security transitions in the country in 2014. For example, Koser (2014:17) suggests three reasons for the increasing internal displacement: first, there is certain reluctance among a large proportion of the Afghan population to move too far from their homes, bearing in mind that displacement rates have been high in the past and that many may have only quite recently started investing in a new life; second, it is suggested that the possibility and incentives to move to either Pakistan or the Islamic Republic of Iran may decrease over the coming years; third, as alluded to above, internal displacement has become a fairly common survival strategy, in particular in the form of short-term and short-distance moves to escape sporadic eruptions of localized violence or, on a seasonal basis, driven by climatic effects and natural hazards. While people are not expected to cross external borders in large numbers, there are at the same time concerns that further internal displacement to border areas might destabilize the security situation in border areas.

### Urbanization

Strongly intertwined with internal displacement in Afghanistan, mass migration of rural Afghans to towns and cities has resulted in rapid urbanization, largely driven by a lack of work in rural areas and common perceptions of improved economic opportunities (STATT, 2013:3). An estimated

23.5 per cent of the population lives in urban areas and urban population growth (4.41%) is well above average as elsewhere in Asia (CIA, 2014a). It has been estimated that the population of Kabul has more than doubled in the last decade.

A recent study estimated that the majority of Kabul's urban poor have been displaced either inside or outside the country, and often on multiple occasions (Metcalf, Haysom and Martin, 2012). It has been suggested that displaced populations in urban areas often tend to be more vulnerable than their counterparts in rural areas or those living in camps. At the same time, the urban displaced are often beyond the reach of humanitarian agencies and are outside formal assistance structures (Koser, 2014:10). While increasing internal displacement and urbanization keeps people on the move, a deteriorating security situation, whose effects are probably more noticeable in urban areas, might push urban internally displaced persons further away from the centre across border areas into neighbouring countries. Should displacement occur across Afghanistan's external borders, most refugees would be expected to cross into Pakistan using official border crossings.

### **Undocumented migrants**

In addition to high numbers of refugees, it has been estimated that there are about 1 million undocumented Afghans living and working in Pakistan, and about another 1.4 million in the Islamic Republic of Iran (UNOCHA, 2014). Border movements across the external borders, especially with Pakistan, are common and fluid.

Undocumented Afghans are highly vulnerable as they are sometimes subject to immediate deportations (Koser, 2014:11). According to IOM, 7,684 Afghans were indeed deported in 2012; but only 238 between January and November 2013 (ibid.). In August 2013, the Government of Pakistan requested IOM to proceed with the registration of undocumented migrants while also offering its continuing support for their eventual return and reintegration. At the same time, there were "spontaneous" returns by undocumented Afghans from Pakistan (mostly through Nangarhar province), in which IOM assisted 5,687 such returnees in 2012 and 15,686 in 2013, respectively.

In the Islamic Republic of Iran, in contrast to Pakistan, the Government has adopted a policy of formalizing the presence of undocumented Afghans by issuing short-term visas, work permits and travel documents (ibid.). It is estimated that between 600,000 and 800,000 individuals have benefited to date. However, this does not preclude carrying out deportations, of which there were 258,146 in 2012 and a further 222,710 in 2013 (UNHCR, 2012b, 2013). Among IOM-assisted returnees from the Islamic Republic of Iran, unaccompanied minors (young boys between the age of 12 and 16) constitute the largest category of vulnerable migrants, accounting for 67 per cent of vulnerable returnees from the Islamic Republic of Iran assisted by IOM in 2013.

### **The Afghan diaspora**

It is difficult to establish accurate data regarding the number of people forming the Afghan diaspora outside the country. Indicatively, as reported in the latest Migration and Remittances Factbook 2011, the most recent World Bank estimate (2010 data) for the total stock of Afghan emigrants is 2.35 million (World Bank, 2011). However, due to the general lack of reliable aggregate data in Afghanistan, real figures are believed to be much higher.

Since the majority of Afghan displacements have taken place regionally, the Afghan diaspora beyond the Islamic Republic of Iran and Pakistan is comparatively small (ICMPD, 2014a:44). This relatively small number of Afghan emigrants to Europe, North America, Australia and the Gulf region (estimated to be at a few hundred thousand), however, is highly significant for Afghanistan due to the amount of remittance payments they send back to Afghan households or investments, and their comparatively higher level of education and skills (ibid.). This diaspora

mostly constitutes of affluent, well-educated and middle-class urban families from the Tajik and Pashtun communities (Oeppen, 2010:141–156).

On the other hand, Afghan communities living in neighbouring States such as Pakistan and the Islamic Republic of Iran are predominantly from rural areas. Most commonly, they are shopkeepers, bazaar craftsmen, small farmers and village artisans, a large majority of them living in refugee camps and being – to a large extent – dependent on international assistance and remittances (ICMPD, 2014a:44).

In total, there are more than 5.7 million persons who have returned to Afghanistan since 2002 (UNHCR, 2012a:9). Yet neighbouring Pakistan and the Islamic Republic of Iran alone house at least 4.4 million registered Afghan refugees and undocumented Afghan migrants (ibid.).

## Future challenges

According to Koser (2014), understanding this migration context is integral to assessing the impacts of the security and other transitions in Afghanistan in 2014 on mobility outcomes and responses for at least three reasons. First, displaced Afghans are likely to be particularly susceptible to the effects of growing insecurity, as they are among the most vulnerable groups within Afghanistan. Second, their experience may mean that Afghans, who are well-acquainted with migration as a coping strategy during crisis, will quickly revert to migration in response to insecurity, stress or threat. Third, the paper suggested that Afghans are committed to making a future for their country, have often invested significant resources after returning and may be unwilling to move again unless absolutely unavoidable. There is a general consensus that the most likely and significant displacement outcome of the 2014 transitions in Afghanistan will generate more internal displacement, while massive new refugee flows or cross-border migration are generally not envisaged.

### 2.1.1.3. Risk analysis of border points vulnerable to potential migration crises

Currently, there are 19 BCPs in operation across the country which are recognized and designated as “official” by the neighbouring countries:

- Airports:
  - Kabul
  - Kandahar
  - Herat
  - Mazar-e-Sharif
  - Jalalabad
- Land routes:
  - Torkham (Pakistan)
  - Ghulam Khan (Pakistan)
  - Spin Boldak (Pakistan)
  - Zaranj (Islamic Republic of Iran)
  - Abu Nasir Farahi (Islamic Republic of Iran)
  - Islam Qala (Islamic Republic of Iran)
  - Towraghondi (Turkmenistan)
  - Aqina (Turkmenistan)
  - Hairatan (Uzbekistan)
  - Shir Khan Bandar (Tajikistan)
  - Ay Khanom (Tajikistan)
  - Darwaz (Tajikistan)
  - Shughnan (Tajikistan)
  - Ashkashem (Tajikistan)

**Figure 4: Map of Afghanistan border crossing points and customs check points**



Source: Afghanistan Customs Department; available from <http://customs.mof.gov.af/Content/files/ACD%20Map%20Sept%202026.pdf>.

## Airports

Informed commentary does not identify any particular threat from irregular migration through the airports of Afghanistan, let alone mass migration driven by disaster or conflict. There is no evidence to suggest that airports have been targeted in the past or are likely to be in the future.

## Land routes

According to estimates by the Director General of the Afghan Border Guards, approximately 1,475 km (of 5,529 km in total) land routes, almost a quarter of Afghan land borders, are not policed at all. These unpoliced routes are stretched between border posts that can hardly be reached from official BCPs, as the distances between them are too great.

As previously stated, mass migration during crisis has occurred from Afghanistan to Pakistan across land borders on an epic scale, particularly by Pashtuns, although substantial numbers have also returned as emergencies have subsided.

Usually, Afghanistan’s borders and migration links with Central Asia received little attention compared with those with Pakistan and the Islamic Republic of Iran, mostly justified by smaller numbers and looser cultural or family ties (STATT, 2013:4). Many commentators have described the lack of resources and capacity to properly police Afghanistan’s borders. The ABP guards the “green” international border and the Border Security Zone, which extends 55 km into the territory

of Afghanistan, and controls pedestrian and vehicular traffic at the 14 customs BCPs.<sup>5</sup> Even at the major check points, many insurgents, drugs and weapons pass through undetected. Complaints of bribery and lack of regulation are common (Afghanistan Congressional Communications Hub, 2010).

Indisputably, the border currently most vulnerable is with Pakistan. Even in ancient times, the border area between Pakistan and Afghanistan served as both barrier and gateway, and was a refuge for insurgents, smugglers and bandits. A portion of this border area continues to be home to a host of Taliban and other militant groups bent on exporting jihad. Since retreating from Afghanistan following the US invasion in October 2001, thousands of Taliban fighters and virtually the entire intact Taliban senior leadership have found sanctuary in Pakistan’s Federally Administered Tribal Areas (FATA) at the centre of the border, as well as in parts of the Pakistani province of Balochistan to the west and the Khyber Pakhtunkhwa to the east and south. These areas coincide almost exactly with the area of Pakistan overwhelmingly dominated by the Pashtun ethnic group.



Source: NATO Training Mission-Afghanistan; available from [http://upload.wikimedia.org/wikipedia/commons/ec/5th\\_Zone\\_ABP\\_border\\_crossing\\_point\\_to\\_Uzbekistan\\_%284690485536%29.jpg](http://upload.wikimedia.org/wikipedia/commons/ec/5th_Zone_ABP_border_crossing_point_to_Uzbekistan_%284690485536%29.jpg).

According to Afghan officials, two “established” border crossings with Pakistan handle the bulk of legal daily cross-border traffic: Torkham, at the northern end of the Khyber Pass; and Spin Boldak, at the southern end. Both Torkham and Spin Boldak are located in the most populated provinces of the country, Nangarhar (1,182,000 people) and Kandahar (886,000 people). These crossings lead into Khyber Pakhtunkhwa and the FATA regions, which have traditionally served as a refuge for Afghans. It is also through these border posts where the majority of equipment and supplies for US and NATO forces reach Afghanistan. Both are manned by officials of the Pakistani customs service and the FIA as well as by Levies.<sup>6</sup> Another 20 “frequented” border crossing routes are manned by customs officials, Khassadars<sup>7</sup> and Levies. Since the border runs through

<sup>5</sup> The ABP is responsible for providing border security along 5,529 km of international borders, 5 main airports, and 15 land and rail ports of entry. In coordination with the NATO Training Mission – Afghanistan (NTM-A), the Afghan Government authorized a border police end-strength of 23,090 personnel, and the Ministry of Interior approved 43 *kandaks* (battalion-sized units within the Afghan National Security Forces) in six zones and the capital region. As of January 2013, the NTM-A reported 23,086 border police officers on duty. See: United States Department of Defense, Assessment of U.S. Government and coalition forces to train, equip, and advise the Afghan Border Police, Inspector General Report No. DODIG-2013-081, May 24 (Washington D.C., 2013), available from [www.dodig.mil/pubs/documents/DODIG-2013-081.pdf](http://www.dodig.mil/pubs/documents/DODIG-2013-081.pdf).

<sup>6</sup> *Levies*, or *Tribal Levies*, are auxiliary police drawn from local clans. They are lightly armed, may wear uniforms and receive scant if any training; their reliability is dubious at best.

<sup>7</sup> *Khassadars* are tribal police officers who patrol the FATA. They generally arm themselves and do not wear uniforms. Khassadars nominally report to the Political Agent for their agency.



Source: Spc. Jazz Burney (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/7/76/Afghan\\_border\\_crossing\\_at\\_Sher\\_Khan\\_in\\_Kunduz\\_Province-2.jpg](http://upload.wikimedia.org/wikipedia/commons/7/76/Afghan_border_crossing_at_Sher_Khan_in_Kunduz_Province-2.jpg).

Pashtun and Baloch tribes living on both sides of the border, most people consider the border to be fluid or non-existent (Mehlmann, 2011). There are an estimated 111 “unfrequented” (i.e. illegal and known) and unmanned crossings in the north and 229 such crossing areas in the south. Unaccounted for in this typology of border crossings are hundreds of foot and goat paths used by smugglers, locals and nomads (e.g. Brahui and Afghan Kuchis), who seasonally cross the border with their herds.<sup>8</sup> The vast majority of these crossings are uncharted and are not monitored by either Islamabad or Kabul. High dependence on the functionality of the Torkham and Spin Boldak crossings has left supply routes vulnerable at times. Sudden, arbitrary closure of the border and reduction of vehicle lanes to single tracks often leads to long delays and traffic jams (Afghanistan Congressional Communications Hub, 2010). Taliban insurgents occasionally attack jammed convoys, stealing and destroying supplies and trucks.<sup>9</sup>

The Afghanistan–Pakistan border region is a forbidding landscape of towering mountain ranges, narrow valleys, desert plains, and rocky, barren wasteland. The topography alone makes the creation of an identifiable border nearly impossible (Johnson and Mason, 2008). Multiple, unofficial routes through mountainous terrain, long-established by families and tribes on both sides of the border, are used by insurgents and smugglers, often without detection by the national border authorities.

<sup>8</sup> Numerous villages also straddle the Pakistan–Afghanistan border, presenting another dilemma. Several of these villages, such as Barabchah and Balochistan, are separated into two by the border. While the border has always been artificial to Pashtuns who regularly transverse it, divided villages offer a relatively easy venue for crossing illegally into or out of Pakistan or Afghanistan.

<sup>9</sup> See, for example: F. Sahil, Taliban targeted U.S. supplies at Torkham port, *Tolo News*, 18 December (2013), available from [www.tolonews.com/en/afghanistan/13129-update-taliban-targeted-us-parking-at-torkham-port](http://www.tolonews.com/en/afghanistan/13129-update-taliban-targeted-us-parking-at-torkham-port); AFP, Two dead as gunmen attack NATO trucks in Pakistan, *Ahram Online*, 4 March (2014), available from <http://english.ahram.org.eg/NewsContent/2/9/95826/World/International/Two-dead-as-gunmen-attack-NATO-trucks-in-Pakistan.aspx>.



A scenario currently being discussed in Pakistan, for example, is that rising conflict in the eastern border areas of Afghanistan may spill across the border, and in particular affect the FATA. The deteriorating security and law and order in those areas may in turn lead to people leaving the province, thus increasing the population of internally displaced persons within Pakistan.

Infrastructure in the border area with Tajikistan has recently improved, and Afghan and Tajik border officials have participated in joint training courses led by IOM, the Organization for Security and Co-Operation in Europe (OSCE) and the United Nations Development Programme (UNDP) (OSCE, 2013a; IOM, 2013a). While economic and transport connections to Afghanistan's north and into Tajikistan have improved, the major incentive for Afghans to cross the border to Tajikistan is for small-scale trading, or as part of a long-distance effort to migrate to the Russian Federation and Europe using Tajikistan as transit country (STATT, 2013:4). Tajikistan has the potential to be a country of refuge for the Tajik ethnic groups residing in northern Afghanistan. By contrast, barriers to migration to Turkmenistan and Uzbekistan remain strong and are unlikely to change. Over the next few years, greater Afghan – primarily ethnic Tajik – migration into Tajikistan is expected, but still in much smaller numbers than migration to Pakistan. It has been suggested that large-scale refugee flows into Central Asia will only occur in the event of populations being “trapped” by conflict near border areas and thus are forced to cross borders (Koser, 2014:24). Central Asia is also likely to receive increased transit flows of Afghans going to the Russian Federation (and a small number to Europe) (STATT, 2013:15).

Recent reports indicate that weapons and insurgents are also increasingly entering western Afghanistan through the Iranian border (Baluchistan). Hundreds of Afghans cross the 1,000 km (620 mi) border daily, often paying sums of about USD 700 to smugglers to ferry them across. Deadly clashes between Afghan migrants and the Iranian authorities have been reported: Afghanistan authorities reported at least 23 Afghan migrants were killed by Iranian border police in 2013 (Sharfyyar, 2013). Over the next few years, the number of medium- and long-term Afghan residents of the Islamic Republic of Iran is expected to remain static.

There will be increased use of the Islamic Republic of Iran as a transit country to Turkey and Europe, both directly from the western border and circling around through Pakistan's Balochistan province. Major political turmoil in the Islamic Republic of Iran will send the majority of its Afghan population back to Afghanistan temporarily, but at the same time will push many thousands towards Europe (STATT, 2013:15).

## 2.1.2. Humanitarian border management capacities for emergency situations

### 2.1.2.1. Regulatory framework

#### Policy

This section briefly discusses recent policy developments that impact migration management in Afghanistan.

The Ministry of Refugees and Repatriation (MoRR) is the key policy unit in the field of migration in Afghanistan. It aims to ensure that there is legal support for returning refugees according to international laws, such as the Universal Declaration of Human Rights, the 1951 International Convention, the 1967 Protocol, and universal agreements and tripartite agreements between Afghanistan, host countries and UNHCR. The Ministry has five top priorities:

- Voluntary and gradual repatriation;
- Legal support to the repatriated;



Source: Spc. Jazz Burney (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/c/c8/Afghan\\_border\\_crossing\\_at\\_Sher\\_Khan\\_in\\_Kunduz\\_Province-3.jpg](http://upload.wikimedia.org/wikipedia/commons/c/c8/Afghan_border_crossing_at_Sher_Khan_in_Kunduz_Province-3.jpg).

- Employment and vocational training as initial support for reintegration;
- Capacity-building for staff;
- Construction of basic infrastructure, which includes health clinics, schools, bridges and culverts, water resources, roads, and other essential needs in residential areas of repatriates in close cooperation with government agencies and international organizations. (Afghanistan – MoRR, 2014b)

In creating a comprehensive national migration policy, coordination with other relevant ministries is highly important, particularly with the Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD), the Ministry of Rural Rehabilitation and Development (MRRD), the Ministry of Foreign Affairs (MFA), the Ministry of Education (MoE), the Ministry of Public Health (MoPH), the Ministry of Borders and Tribal Affairs (MoBTA) and the Ministry of Interior.

Despite the awareness of the need for a national policy by the authorities themselves, there is a general lack of consensus on how to move forward. During the visit by the assessment team, a meeting with the Policy and Planning Department of the Directorate of Refugees and Repatriation (DoRR) identified a need for a survey of all BCPs to map facilities and requirements in terms of traffic and potential mass movements by migrants. It was reported that the intention was to initiate this as quickly as possible, in conjunction with IOM, starting with the six BCPs identified by the ABP as being the busiest. The need for a data management system was also identified in order to record information about the refugees and returnees, such as nationality, gender, needs, destination and education, which the DoRR required for planning, especially with regard to reintegration. Although it was envisaged that a system would be built for and administered by the DoRR, the assessment team suggested that consideration be given to liaising with the ABP to expand and utilize the Personal Identification Secure Comparison and Evaluation System (PISCES) rather than try to implement a separate system. The lack of information impacted badly on planning, and the department currently has no defined planning system or information analysts. An action plan for implementing policy planning was identified as another priority.

The situation of Afghan refugees in neighbouring countries was specifically addressed during quadripartite consultations between Afghanistan, the Islamic Republic of Iran, Pakistan and UNHCR, initiated in 2011, which resulted in a strategy paper known as the “Solutions Strategy for Afghan Refugees” (UNHCR, 2012a). The Strategy was introduced at the International Conference on the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries, which took place on 2–3 May 2012 in Geneva,

and was co-hosted by Switzerland and UNHCR. This aimed to address the different concerns and priorities of each of the three countries: for Afghanistan – to facilitate the successful reintegration of Afghan refugees; for the Islamic Republic of Iran – to provide sustainable returns to Afghanistan; and for Pakistan – to repatriate Afghan refugees and be given assistance as the host of a large community of refugees.

As a follow-up to its pledge in 2011, the MoRR prepared a draft Refugee Law for Afghanistan at the end of 2012, and agreed to develop a national policy on internally displaced persons aimed at preventing displacement, responding to needs and providing sustainable durable solutions for displaced people. Afghanistan's National Policy on Internally Displaced Persons, which was launched in February 2014, lays out a framework for both government and international community entities to address the needs of populations displaced internally by conflict and/or natural disasters (UNAMA, 2014).

With regard to inter-institutional cooperation, the 2008–2013 Afghanistan National Development Strategy makes prescriptions for more involvement of relevant ministries as well as of provincial authorities, in addition to the international organizations active in the field (Afghanistan – ANDS, 2008:237–239).

In addition, it must be emphasized that, in Afghanistan, UN agencies and other international organizations like IOM and UNHCR, together with local and international NGOs, have considerable importance in policy planning as well as in the implementation process. Regarding cooperation with NGOs active in Afghanistan, the Agency Coordinating Body for Afghan Relief (ACBAR) plays an important role as one of the major NGO coordination bodies, as it facilitates coordination of foreign humanitarian aid.

The MoRR and other ministries consult NGOs. Regular coordination meetings are held once a month among relevant Afghan ministries, the ACBAR and international NGOs in Kabul. Generally, international NGOs inform the MoRR about their projects under development and ask for feedback and approval for these projects. The MoRR has the right to veto, but so far there are no records of any project proposal being rejected. In addition, the National IDP Task Force meets once a month under the chairmanship of the MoRR.

All interlocutors the assessment team spoke to during its visit to Afghanistan observed that the MoRR lacked substantial capacity to maintain a strong presence at the three BCPs covered by the Ministry. Only 27 personnel are deployed at each BCP and most of them are based in town offices close to the BCPs. Only two or three are actually stationed at the BCPs. The DoRR has no resources to stockpile emergency relief supplies and in the event of a crisis whatever is required would need to be sourced before it could be supplied. Against this background, there continues to be a potential that Pakistan and the Islamic Republic of Iran may repatriate about 1.4 million and 1 million undocumented migrants, respectively, at any time.

### **Disaster management and disaster risk reduction policies**

The Afghanistan National Disaster Management Authority (ANDMA), established in 1971, is the principal institution at the national level with the mandate to coordinate and manage all aspects related to disaster mitigation, preparedness and response through its national and provincial offices. Disaster response is guided by the National Disaster Management Project (NDMP), adopted in 2003 and updated in 2010. The NDMP aims to streamline disaster management systems in the country. This includes clearly identifying roles and responsibilities of the National Commission (National Disaster Management Commission) and the ANDMA, along with its provincial offices, the Provincial Disaster Management Committee and associated line ministries, and local and international NGOs. The plan lays out operating procedures for risk reduction, response and recovery, covering structures and procedures for mitigation, preparedness, impact assessment, rescue and relief, and recovery activities (Afghanistan – ANDMA, 2010).



Source: Master Sgt. Juan Valdes (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/f/fd/Border\\_crossing\\_at\\_Wesh\\_in\\_February\\_2010.jpg](http://upload.wikimedia.org/wikipedia/commons/f/fd/Border_crossing_at_Wesh_in_February_2010.jpg).

The provisions of this plan primarily apply to a national emergency situation, where the capacity of the provincial government has been exceeded and for which the assistance of the national Government is needed. It does not cover conflict-related issues such as mine action or civil strife.

The NDMP recognizes and incorporates the developments that have taken place in the country to date. It recognizes the efforts of the NGOs and their wide-ranging work with local communities as well as their active response to disaster situations. The international community has strongly supported the Government of Afghanistan at all levels in building its capacity in disaster management.

Moreover, in 2011, the Government of Afghanistan developed the Strategic National Action Plan (SNAP) for Disaster Risk Reduction, which aims:

- To develop the linkages between disaster risk reduction strategies, climate change adaptation processes and invulnerable development paradigms with a focus on social protection measures and inclusiveness;
- To minimize losses caused by disasters and climate change impacts through strategies guided by the Hyogo Framework for Action.<sup>10</sup> (Afghanistan – ANDMA, 2011)

The proposed strategies for disaster risk reduction in the SNAP are also strongly aligned with the Afghanistan National Development Strategy framework. For a span of five years (2011–2015), the SNAP outlines six strategic objectives:

- To possess a stronger, comprehensive and contextualized mechanism for disaster management;

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<sup>10</sup> The 10-year Hyogo Framework for Action (HFA), the outcome of the World Conference for Disaster Reduction in Kobe, Hyogo, Japan, on 18–22 January 2005, is the first plan to explain, describe and detail the work that is required from all different sectors and actors to reduce disaster losses. It was developed and agreed on by the many partners needed to reduce disaster risk – governments, international agencies, disaster experts and many others – bringing them into a common system of coordination. The HFA outlines five priorities for action, and offers guiding principles and practical means for achieving disaster resilience. Its goal is to substantially reduce disaster losses by 2015 by building the resilience of nations and communities to disasters. This means reducing loss of lives and social, economic, and environmental assets when hazards strike. The HFA was endorsed by the UN General Assembly in the Resolution A/RES/60/195, available from [www.preventionweb.net/files/resolutions/N0549930.pdf](http://www.preventionweb.net/files/resolutions/N0549930.pdf).

- To enhance knowledge-sharing among all stakeholders at all levels;
- To strengthen the early warning system that is based on sound vulnerability and capacity assessments;
- To raise public awareness of disaster risk reduction nationwide;
- To strengthen community resilience using means to reduce the underlying factors of risk;
- To enhance disaster preparedness capacities in government at different levels.  
(Afghanistan – ANDMA, 2011:9–10)

## **Institutional framework for disaster management**

The institutional framework for disaster management of Afghanistan is led by the National Disaster Management Commission, representing all relevant ministries that are critical in managing disasters. The ANDMA is the principal executing body at the national level. The ANDMA works with international organizations involved in disaster response, relief, rehabilitation and mitigation, as well as disaster committees at the provincial level. There are additional implementing agencies at the district and local levels.

The SNAP, in conjunction with the administrative structure overseen by the National Disaster Management Commission, does not include emergencies precipitated by the mass movement of migrants across borders, but it could be expanded to cover these. It contemplates close cooperation at all levels of government and with international organizations, and clearly identifies roles and responsibilities; as such, it has considerable potential as a generic model and can be adapted for other types of emergency. It could relatively easily include the principles governing humanitarian border management as it already advocates broad-based consultation with other agencies of government, NGOs and international organizations. Additionally, facilities and equipment identified for use in disaster situations could be deployed to borders; operational procedures would require minimal adaptation, and international agreements for assistance and observation are more or less in place.

## **Legislation**

From a legislative perspective, there is no evident primary legislation dealing with migration, such as an immigration act. That said, there are rules governing requirements for the entry of foreigners that appear to have been issued under presidential authority, rather than from Parliament.

## **Inter-agency contingency planning**

There is dialogue and cooperation between Afghanistan, the Islamic Republic of Iran and Pakistan. Afghanistan and the Islamic Republic of Iran have been engaged in negotiations to try and legalize at least some of the undocumented Afghans in the Islamic Republic of Iran. The Iranian Government has agreed to give short-term visas to migrants documented by the Afghan Government. Once these migrants have obtained Afghan passports, they would be given visas valid for six months to remain in the Islamic Republic of Iran. This period would be subsequently extended to six months more. Further negotiations are underway to extend this period even further.

There is also ongoing joint agency work on labour migration policy as IOM has recently assisted the MoLSAMD in drafting its first National Labor Migration Policy. Moreover, for mass migration movements, IOM – in collaboration with the MoRR – has developed a collective preparedness plan for Spin Boldak and Torkham (IOM, 2013b), which spells out the responsibilities of border agencies in a crisis and details action required. It is intended that similar plans will also be drawn

up for BCPs on the Iranian border. The collective preparedness plan forms the basis for emergency response, and its continued development and extension to all border posts is considered a key priority. All ministries in the migration and emergency/disaster structure are supposed to work together when crisis movements occur and approximately 10 ministries are involved in the National Disaster Committee. The nature of the document is outlined in the introduction to it:

*This is a concise document with key information to assess any urgent needs, and share updated information in a timely manner with all stakeholders, whenever we identify major changes in the situation of undocumented Afghans in Pakistan. It serves as an operational level document that does not need high-level approval. The report is supported by the Ministry of Refugees and Repatriation (MORR) and the Emergency Preparedness Sub-Working Group (EPSWG) under the Humanitarian Country Team (HCT) and has been developed with substantial contributions from humanitarian actors in Nangahar and Kandahar (the DoRR, International Organizations and NGOs). This document is available for wider use for coordination among stakeholders. (ibid.:1–2)*

The scenarios covered for mass migrant movements deal principally with Torkham, although Spin Boldak is also acknowledged as being at risk. The collective preparedness plan is a comprehensive document that analyses existing facilities at the BCPs and how they are used, and examines the procedures in place. It specifies areas of responsibility across the border/refugee management structure and seeks to predict what measures would be required in the event of mass influx, based mainly on statistical projections. The planners have acknowledged that mass migration movements into Afghanistan have, historically, not involved foreigners and have focused instead on the large-scale return of Afghans from Pakistan, precipitated mainly by spontaneous voluntary return or mass deportation from Pakistan. The plan is under continuous development and its importance lies in its potential to provide a generic model for cross-border operational response to large migrant movements, particularly with further development to combine it with SOPs covering, among others, registration, staff training, the mechanics of screening (particularly in relation to trafficking), ensuring adherence to international protection standards and the use of equipment.

There could well be scope to merge parts of the collective preparedness plan with the SNAP.

### **International obligations and agreements**

The Afghan Government signed the 1951 Convention on the Status of Refugees and the 1967 Protocol in September 2005.

According to the MoRR, no readmission agreement has been signed so far due to the current difficult circumstances in the country, which is especially due to the uncertainties associated with the post-2014 period (ICMPD, 2014a:48).

Afghanistan participates actively at the global level in the Global Forum on Migration and Development (GFMD).<sup>11</sup>

<sup>11</sup> The GFMD is a voluntary, informal, non-binding and government-led process open to all Member States and Observers of the United Nations to advance understanding and cooperation on the mutually reinforcing relationship between migration and development and to foster practical and action-oriented outcomes. See more at: [www.gfmd.org/process#sthash.kkP2jsJS.dpuf](http://www.gfmd.org/process#sthash.kkP2jsJS.dpuf).



Source: Staff Sgt. Luis P. Valdespino Jr. (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/a/a4/Khost\\_border\\_checkpoint\\_in\\_2007.jpg](http://upload.wikimedia.org/wikipedia/commons/a/a4/Khost_border_checkpoint_in_2007.jpg).

Apart from signing the 1951 Convention on the Status of Refugees and the 1967 Protocol, Afghanistan has signed several tripartite agreements on the return of Afghan refugees with neighbouring countries, EU countries, Norway and Australia, including UNHCR as a third party (ICMPD, 2014a:49). Tripartite agreements signed with neighbouring countries are the main denominators for future cooperation on a regional scale.

Following are the tripartite agreements signed by Afghanistan:

- 1992 – Joint Programme between the Government of the Islamic Republic of Iran, the Islamic Republic of Afghanistan and UNHCR for Voluntary Repatriation of Afghan Refugees and Displaced Persons (it was renewed in April 2002);
- March 2002 – Agreement between the Government of the Islamic Republic of Pakistan, the Government of the Islamic Republic of Afghanistan, and the United Nations High Commissioner for Refugees Governing the Repatriation of Afghan Citizens in Pakistan (it was renewed at the beginning of 2011);
- September 2002 – agreement between France, Afghanistan and UNHCR;
- October 2002 – memorandum of understanding (MoU) between the United Kingdom, Afghanistan and UNHCR;
- March 2003 – MoU between the Netherlands, Afghanistan and UNHCR;
- October 2004 – MoU between Denmark, Afghanistan and UNHCR;
- August 2005 – MoU between Norway, Afghanistan and UNHCR;
- December 2007 – MoU between Sweden, Afghanistan and UNHCR;
- January 2011 – MoU between Australia, Afghanistan and UNHCR. (ibid.)

As far as labour migration is concerned, two key regional cooperative mechanisms must be mentioned for Afghanistan: the Colombo Process and the South Asian Association for Regional Cooperation (SAARC).

The Colombo Process, which was established as a consultation mechanism among the labour-sending countries in 2003, created a forum for Asian States to make recommendations for the effective management of overseas employment programmes. Regular follow-up meetings have taken place since. The Colombo Process is significant to humanitarian border management in the sense that it provides a forum in which stakeholders can raise issues relating to how migrating workers are treated at BCPs and by in-country immigration authorities.<sup>12</sup>

In 2010, Afghanistan also joined the Budapest Process as a participating State and has been playing an active role since then, in particular in activities related to the Silk Routes Region.

Afghanistan is also member of the SAARC and the Organization of Islamic Cooperation (OIC), which also deal with migration issues on their agenda (ibid.:50).

Although there are large numbers of Afghan labour migrants to neighbouring countries and to the Gulf region, labour migration from Afghanistan to these countries has remained largely unregulated. As emphasized in various occasions by the Afghan Government, there is a pressing need for further regulation in this area, particularly through the conclusion of bilateral agreements.

According to the ICMPPD, so far Afghanistan has signed the following bilateral agreements with the Islamic Republic of Iran, Pakistan and Qatar:

- April 2008 – Bilateral Agreement on Labour Migration with Qatar;
- 2009 – Joint Declaration between Afghanistan and Pakistan on Directions of Bilateral Cooperation targeting more contacts and exchanges of intellectual elite, civil society and media;
- 2011 – Afghanistan–Iranian Dialogue on migrant labourers, counter-narcotics and railway-building.  
(ibid.)

### 2.1.2.2. Administration

As part of the Afghan National Police, the ABP is under the administrative command of the Ministry of Interior and is responsible for immigration control at all of the Afghan borders and official BCPs. The Air Security Department (ASD) of the ABP is responsible for front-line passport controls at all BCPs. Immigration officers man the arrival and departure control points at BCPs. The ASD not only provides staff to the airports but also covers land-border BCPs.

The ABP has a total staff establishment of 23,000 officers, approximately 7,000 of whom are in the ASD. The majority of the ABP officers are trained by the United States armed forces, various Federal Government trainers and the European Union Police Mission (EUPOL Afghanistan, 2012). The OSCE Office in Tajikistan has implemented joint training with the Tajik Border Troops as part of its Patrol Programming and Leadership Project, which is aimed at strengthening the capacities of Tajik and Afghan border security staff in detecting and preventing unlawful cross-border movements and other illegal activities (OSCE, 2013b). IOM Afghanistan has also specifically trained a number of ABPs on document examination, border management and migration management. IOM Tajikistan, in coordination with IOM Afghanistan, has also been running a border management programme that provides joint training to Afghan and Tajik border officials in Dushanbe and Khorog training centres since 2010.

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<sup>12</sup> A similar function is performed by the Association of Southeast Asian Nations (ASEAN), where the “Declaration on the Protection and Promotion of the Rights of Migrant Workers” was adopted, together with the ASEAN Committee on Migrant Workers, which was established in order to implement the Declaration.





Source: NATO Training Mission-Afghanistan; available from [http://upload.wikimedia.org/wikipedia/commons/cb/120314-F-FR276-073\\_%287000033511%29.jpg](http://upload.wikimedia.org/wikipedia/commons/cb/120314-F-FR276-073_%287000033511%29.jpg).

Interviews with representatives from the ABP revealed a perceived lack of staffing, especially along the north-eastern border zone with Pakistan, as a serious issue. Since 2010, the ABP has only been permitted to recruit 350 new officers.

### **Humanitarian border management and related training**

In addition to severely restricted recruitment, particular concerns with regard to sustainability of the ABP's training have been raised. There was some confusion over the training programme for new recruits, as it appeared to vary between three months, six months, nine months and a four-year educational programme at a police academy. Usually, there is a three-month initial entry course for junior ranks, which can be extended to six months. Officer recruits go from high school graduation at the age of 16 to the ABP Academy for the four-year course. Some of the subjects covered during training are:

- Immigration
- Border management
- Counter-trafficking
- Identity checking and document forgery
- Weapons/military training

Assistance from international organizations with training of the ABP is common, especially training courses relating to counter-trafficking, which has been conducted through IOM and UNHCR. There was a perception that this training had a positive effect on identifying trafficking, but overall effectiveness was hindered by the ABP policy of rotating border officers through different areas of the organization on a three-month basis, so that those who had been trained were often moved just as they were developing expertise. Training is conducted at police academies in the provinces which, although not specific to the ABP, have border affairs departments for specialization after general police training has been completed. In general, the ABP is considered to have higher-calibre officers than the regular police force, as the former is required to be fully literate in order to deal with travel documentation.

Although each province has a training academy, funding is insufficient to properly maintain the buildings and staff them with trainers. Additionally, because of staff shortage, it is difficult to release officers to do training courses.

Customized humanitarian border management training is not part of the existing training curriculum.

### **2.1.2.3. Operations**

#### **Standard operating procedures for emergencies**

During the assessment visit, it was revealed that SOPs did not exist for either day-to-day business or emergency situations at the borders. If an emergency situation occurred at the border, it was reported that the ABP would refer to the Central Coordination Unit, which would be expected to provide an emergency plan. Given that it is unlikely that there would be a mass inward movement into Afghanistan, it is understandable that the border management units would be tempted to take a reactive stance, rather than plan proactively. Having said that, the chance of mass movement from Pakistan into Afghanistan cannot be discounted, as demonstrated by the most recent military operation in Pakistan's North Waziristan Agency in mid-June 2014, which forced approximately 13,000 refugee families – including Afghan families – to flee to Afghanistan's Khost and Paktika provinces (UNHCR, 2014c).

The 2003 National Disaster Management Plan provides for standing orders that have been prepared with the objective of making the various ministries understand their respective duties and responsibilities regarding disaster management at all levels. All government ministries, divisions, departments and agencies are supposed to prepare their own action plans, while the Department of Disaster Preparedness (DDP) and the National Commission on Disaster Management ensure coordination of the disaster-related activities at the national level. The ministries, divisions, departments and agencies are tasked to organize proper training of officers and staff so that they could help in rescue, evacuation and relief work at different stages of any disaster. The departments need to keep their respective emergency response teams ready all the time so that they could move to disaster sites even at short notice.

#### **Inter-agency, regional and international cooperation**

Relations at borders with neighbouring countries are described as generally good. In the event of large migrant movements, there is no formal or informal inter-agency or regional cooperation in recording travellers, and each country has its own national screening and identity process. There is, however, official liaison through INTERPOL and a system of locally designated officers, referred to as commissars, who report to an international coordination unit in Kabul. At BCPs where there are no commissars, informal talks can be initiated by prearranged signals, usually by one party lowering its flag. The officers that the team spoke to were not aware of any MoUs on information-sharing.

#### **Risk analysis/assessment and information-sharing**

All aspects of border management and related risk analysis in Afghanistan are hampered by the lack of official statistics and inadequate recording systems. Available statistics are rarely in the public domain and are difficult to obtain from official sources, at least in part because there is no central office to collate and disseminate them.



Source: Master Sgt. Michael O'Connor (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/3/36/Torkham\\_border\\_crossing\\_in\\_September\\_2011-cropped.jpg](http://upload.wikimedia.org/wikipedia/commons/3/36/Torkham_border_crossing_in_September_2011-cropped.jpg).

### Mobile assistance teams and training

Rapid response teams do not exist, for the simple reason that the only mass influx expected or likely is from Afghan nationals who, it is perceived, would be highly unlikely to undergo protracted screening, beyond that necessary to establish that they are Afghans.

### Facilitation of returns and readmissions

The vast majority of returnees use the BCPs of Islam Qala (the Islamic Republic of Iran), Zaranj (the Islamic Republic of Iran) and Torkham (Pakistan). Low numbers of returnees, estimated at 1 per cent to 2 per cent, use unofficial routes, mostly to and from Pakistan. Generally, people returning via green borders have families on the other side, who assist them with crossing. The MoRR, IOM and UNHCR all have a presence at these BCPs, and they are also looking into establishing a presence at Spin Boldak on the Pakistan border.

The majority of large-scale migrant movements occur at the Iranian BCPs. Both Islam Qala and Zaranj BCPs handle around 200,000–250,000 returnees per annum, most of whom have been deported by the Iranian authorities. The number of returnees from Pakistan is much lower, approximately 10,000–15,000 annually, crossing through Torkham.

The Iranian deportation process involves a court appearance following initial detention. After which, if the court orders deportation, migrants are moved to a detention facility at the border, where they must remain until a fee of 25,000 tumans is paid to cover the deportation costs. A smaller category of migrants, classified as spontaneous returnees, make the crossing back to Afghanistan outside the deportation process but are usually under pressure from the authorities in the Islamic Republic of Iran and Pakistan. This category is generally composed of families or undocumented migrants. Authorities record about 30,000 border movements of this category from Pakistan and 6,000–7,000 from the Islamic Republic of Iran every year.

Deportations from the Islamic Republic of Iran are carried out by transferring irregular migrants to a Zero Point camp, which is in the area between the Iranian and Afghan BCPs. The Iranian border police then gives a list of the passengers to the ABP. Screening is conducted by the MoRR using agreed criteria, and any migrants deemed to be vulnerable are given registration cards and are referred to IOM or UNHCR. In general, IOM helps undocumented vulnerable migrants (approximately 6,000–7,000 per annum), while UNHCR assists those who have been registered as refugees. There are basic medical facilities available at the BCPs where IOM has a presence.



Source: Staff Sgt. Luis P. Valdespino Jr. (U.S. Armed Forces); available from [http://upload.wikimedia.org/wikipedia/commons/e/ea/ANP\\_at\\_Khost\\_border\\_crossing.jpg](http://upload.wikimedia.org/wikipedia/commons/e/ea/ANP_at_Khost_border_crossing.jpg).

IOM-assisted returnees are recorded on a database for vulnerable migrants, which has been in operation since 2012. They are then taken to an IOM transit centre in either Herat or Nimroz, where they are given assistance to rejoin their families in Afghanistan. Registration is carried out by the MoRR, IOM and UNHCR, not the ABP; and it is thought that only documented travellers are checked and recorded through the PISCES at Islam Qala and Torkham. Information on returnees assisted by IOM is shared with the DoRR, with which IOM has good relations. It was generally acknowledged that the DoRR is underfunded.

#### **2.1.2.4. Information management**

##### **Identity and risk management, emergency passport and visa systems**

The ABP operates the United States-supplied PISCES, which was first introduced in 2012. The system is designed to take and store biometric data (i.e. facial images, fingerprints and biographical information) and match it with the data held by the United States. It is currently installed at three land BCPs (Torkham, Islam Qala and Spin Boldak) and three airports (Kabul, Kandahar and Mazar-e-Sharif).

The PISCES project is ongoing and maintained through the expertise and funding from the U.S. Department of State. Seven more PISCES installations are planned in Afghanistan – two of them to be set up in 2014 at Herat airport and Ghulam Khan land BCP.

Technical problems and breakdowns with the PISCES are reportedly common, which is why fingerprints were not taken when the assessment team arrived at Kabul International Airport. The system links BCPs to the centre, but does not connect a BCP to another BCP. It was initially said that in the current locations, all travellers were checked through the system and that provision of equipment was sufficient to cover daily traffic. In the event of a large emergency migrant movement, it is expected that all movements would be registered on PISCES. However, there are no mobile PISCES units and without them, the system may not be able to cope. Manuscript registers are kept at all BCPs, even those equipped with PISCES, as the system is not considered to be fully established yet. It was not made clear what happens to the manuscript registration details.

The PISCES database includes an alert list but, as with the recording of entry and exit details, manuscript alert lists operate in tandem with it. BCPs without PISCES can thus only register movements effectively if they are provided with regularly updated written lists. Alerts are notified to BCPs through whatever communications channel is available.

There is no computerized internal civil or foreigner registration system, and when national identity cards (e-Tazkiras) are issued all records are in manuscript. A civic/migrant registration system could be an alternative means of obtaining migrant data and could be linked to related systems like those for passports and visas. Records taken at provincial offices are sent to the Central Population Registration Office in Kabul. A computerized system is under development, but further progress on it has been delayed as citizenship legislation is required which will not be approved until after the elections.

The visa system is not linked to PISCES and is operated by the MFA in overseas missions. Visa extensions for holders of ordinary passports in the country are processed by the Ministry of Interior; for diplomats, UN officials and special passport holders, extensions are processed by the MFA. In-country visa extensions are relatively easy to obtain, and successful applicants are issued with a letter giving the new date of expiry.

A project to introduce machine-readable passports (MRPs), in which IOM has been heavily involved, began in late 2004 and early 2005. Prior to the introduction of MRPs, passport offices in provinces, as well as the central passport office in Kabul, processed and issued passports. Now, all passports, with a couple of exceptions, are processed and issued in Kabul. The exceptions are a very few non-MRPs dispensed to cover emergency travels (which are still issued at the provincial level), and diplomatic and special passports (which are issued by the MFA). The MFA passport issuing system is not linked to the central passport office system.

The current passport issuance process broadly entails provincial offices receiving applications and recording biometric data on the passport computer system, which is linked by a virtual private network (VPN) to the central office in Kabul. All passports are printed in Kabul and sent to the provincial offices where applicants can claim the passports. While fingerprints are taken, the current MRPs do not contain electronic chips. e-Passports will start to be issued when the present stock of MRPs runs out, which will probably be in 2015–2016.

Collection and storage of biometrics – including all biometrics collected in the course of obtaining official documents, plus those taken by law enforcement agencies – is the responsibility of the Ministry of Interior, through its Biometrics Department. Essentially, this central biometric system is administered by the Ministry of Interior’s Criminal Investigation Division, which also stores fingerprints taken from passport and driving license applicants. As a result, all passport applicants are automatically verified against criminal records. Biometrics are also kept and recorded to avoid duplication of passports.

There is a free-standing computerized visa processing system operated by the MFA, which is not connected to any other systems and does not take biometrics. However, the MFA plans to deploy biometric kits to its consulates abroad to collect biometric data of foreigners applying for an Afghan visa. The MFA is responsible for all visas that are issued abroad and the renewal of diplomatic and UN visas in-country. The Central Passport Department is responsible for ordinary visa extensions in-country.

A project to establish electronically enabled national identity cards was started in 2013 and is due to go live in the fall of 2014. As mentioned, the Civil Registration Department of the Ministry of Interior manually records all information pertaining to identity registration. Both Houses of the Parliament enacted the Population Registration Law, which was signed by the President on 28 January 2014, to allow for electronic registration. The new civil registration system also includes the registration of foreigners. At the moment, the data systems of separate departments

(i.e. those handling passport applications/issuance, visa applications/extension and BMIS), apart from the Biometrics Department's requirement to submit all fingerprints to central records, are not linked and they will not initially be linked to the central registration system, although this remains a long-term goal.

### **Border communications systems**

Insufficient border communications are acknowledged to be a severe problem. Many BCPs are not in constant communication with Kabul or other BCPs. In remote areas without mobile phone coverage, communications systems do not exist at all. On the Iranian border, where Afghan networks are weak, BCPs can connect to an Iranian network which is not desirable, let alone from a security point of view. On the Pakistan border, there is reasonable network coverage. Internet capability is often acquired through dongles connecting to phone networks purchased by officers, often using their own money.

At the time of research, the data systems of all separate departments (i.e. those in charge of passport applications/issuance, visa applications/extension and BMIS) are not linked to a central registration system.

### **Mobile border registration/identity technologies and referral systems**

There are no mobile PISCES units or other registration equipment currently available.

#### **2.1.2.5. Summary**

Historically, the position of Afghanistan as a source country for migration has dictated that the emphasis of migration management policy has been on the return of Afghan nationals, rather than the entry of foreigners. While economic factors are strong motivators for migration to neighbouring countries and beyond, the fluctuating security situation and natural disasters have been the cause of large-scale migration movements. As a result, disaster management, whether man-made or natural, has been a key element in migration management.

The national response to disaster prevention has been largely focused on internal displacement and has involved joint development by a variety of government organizations and NGOs, both national and international. Contingency planning is comprehensive in terms of operational response and internationally compliant with humanitarian principles. Plans do not currently include management of crisis-driven mass migration at borders, principally because of the perception that any sudden influx would be by Afghan nationals. It is widely recognized by the authorities that there is a need to control and identify those crossing borders during emergencies as well as a need to ensure that humanitarian principles are adhered to and the human rights of migrants are protected. As a result, a joint agency collective preparedness plan for Torkham is nearing completion and will soon need to be adapted for other BCPs. In order to identify the BCPs at risk of facing mass migration movements, the need to map all BCPs for infrastructure and resources has been identified. In the wider international sphere, Afghanistan has worked hard with its neighbours to cooperate on migration issues and ensure the adequate protection of migrants.

The requirement to properly manage borders is being addressed through technological development. A BMIS is in the process of installation, as are databases for the registration of nationals and foreigners. Issuance of travel documents has been centralized and passports are now machine-readable. Databases are gradually being linked, and collection and storage of biometric data is spreading across the public administration structure.

The training of the ABP is centred on police academies in each province and receives international support and input. Although border officers receive instructions and guidance from the centre, SOPs are not yet formalized in a consolidated manual. A comprehensive provision of consistently updated SOPs would enhance the existing system for giving guidance and alleviate possible delays in responding to emergency situations. Formalized training of rapid response teams would also be advantageous, in conjunction with clear crisis deployment planning to specify who goes where and under what circumstances.

## 2.2. IRAQ

Figure 5: Map of Iraq



Source: United Nations website, cartographic section, 2014.

Iraq covers a total land area of 438,317 sq km, with 3,650 km of land borders. It shares borders with the Islamic Republic of Iran (1,458 km), Jordan (181 km), Kuwait (240 km), Saudi Arabia (814 km), the Syrian Arab Republic (605 km) and Turkey (352 km). It also has 58 km of strategically important coastline on the Shatt al Arab waterway at the head of the Persian Gulf. Population is estimated at 32,585,692.

Iraq is composed of 18 governorates (or provinces), which are subdivided into districts. The Kurdistan Region of Iraq (encompassing Erbil, Duhok, Sulaimaniyah and Halabja) is the only legally defined region within Iraq, with its own government and quasi-official armed force, the Peshmerga.



The Constitution of Iraq, ratified in 2005, defined the Kurdistan Region as a federal entity of Iraq and established Arabic and Kurdish as Iraq’s joint official languages. The Kurdistan Region of Iraq is a parliamentary democracy with a regional assembly and occupies approximately 40,000 sq km, with a population of 5.5 million. It borders the Islamic Republic of Iran to the east, Turkey to the north, the Syrian Arab Republic to the west and the rest of Iraq to the south.

The recent history of Iraq has precipitated successive waves of migration, the most significant leading up to and during the first Gulf war in 1991, when it was estimated that up to 3,000,000 refugees left Iraq and Kuwait before the war started or after Desert Storm was over (Galbraith, 2003). The largest groups were Iraqi Kurds and Shia fleeing Saddam Hussein after the failed uprising. Palestinians comprised the second largest group uprooted by the war and 300,000 resettled in Jordan. About 100,000 Iraqis escaped to Jordan and the Syrian Arab Republic. A further 1.85 million Iraqi Kurds fled to the borders of Turkey and the Islamic Republic of Iran. Following the second Gulf war in 2003, there was a further exodus, and although many subsequently returned by 2006, there were further outward movements as the security situation continued to deteriorate. Finally, the internal Syrian conflict precipitated a movement back into Iraq.

## 2.2.1. Situational context analysis on exposure and vulnerability to potential migration crisis scenarios

### 2.2.1.1. Socioeconomic context of migration

This section outlines the factors influencing migration flow to and from Iraq to gain insight into how they may change in the future, what factors may influence changes and where large-scale migrant movements may emanate from. Historical statistics for migration in and out of Iraq are hard to come by through open source research. Although the Iraqi Government has Central Organization for Statistics, with Headquarters in Baghdad, it does not appear to have a website or post any official statistics online. A 2010 research report on transit migration by the Consortium for Applied Research on International Migration (CARIM) makes the telling observation that “the magnitude of migration to and through Iraq is unknown due to a lack of data” (Pitea, 2010). There is still no central collection system for migration statistics, although individual BCPs appear to have developed their own free-standing systems that record basic traffic information which is sent to the centre on demand (IOM, 2013c).

Given the way in which the Syrian conflict has graphically changed the pattern of migration into Iraq, the importance of the report on the impact of the Syrian crisis on Iraq must be stressed, as it records and analyses a real-time and continuing border emergency (IOM, 2013d).

The report *National Guidelines for Migration Management in Iraq* is also important as it was prepared by the PTF, composed of migration experts from across government ministries, with the help of IOM, to provide direction for the development of an integrated migration structure in Iraq (IOM, 2008). The report is extensive in its coverage of migration management at a policy and operational level and makes wide-ranging recommendations aimed at modernizing the system.

IOM estimates that there are some 1.9 million Iraqis displaced internally, and over 2 million in neighbouring States, particularly in the Syrian Arab Republic and Jordan. Additionally, over 200,000 are estimated to be residing in non-Arab countries. *National Guidelines for Migration Management in Iraq* quotes a net migration rate of 1.8 per cent for every 1,000 of population, which would equal to 586,000, and the proportion of migrants in Iraq at 0.3 per cent for every 1,000 of population, or 98,000, which does not include refugees (ibid.).

From an economic point of view, the security environment is improving and foreign investment is helping to boost economic activity, particularly in the energy, construction and retail sectors.

Given that the largely State-run economy relies heavily on the oil sector, which provides 90 per cent of government revenue and 80 per cent of foreign exchange earnings, broader economic development and diversification may be required if living standards are to continue to improve. The economy in general suffers from outdated infrastructure, inadequate essential services and skilled labour shortages, which adversely affect the growth of the private, non-oil sector.

GDP growth in 2013 was 3.7 per cent. Per capita GDP for the same year is estimated at USD 7,100, the same as in 2012 and up from USD 6,800 in 2011; this is split between agriculture (3.3%), industry (64.6%) and services (32.1%) (CIA, 2014b). Unemployment in 2012 was estimated at 16 per cent, up from 15 per cent in 2010 (*ibid.*). There were a total of only 10,000 work and residence permits issued to foreigners in 2009 (the latest figures available). Of the 450,000 refugees estimated to be in Iraq, 15,496 are from Turkey, 11,467 are Palestinians and 8,259 are from the Islamic Republic of Iran, while 221,791 are from the Syrian Arab Republic (*ibid.*).

### 2.2.1.2. Migration patterns and dynamics

Over the past 25 years, it is apparent that, in terms of socioeconomic migration, Iraq is a source country rather than a destination for economic migrants, although this has not always been the case. From the 1970s until the Gulf war, Iraq's oil-based economy made the country a major importer of Arab labour and this trend accelerated during the Islamic Republic of Iran–Iraq war. In contrast, outward migration to Arab countries was generally limited to a few thousand highly educated Iraqis to oil-producing nations such as Libya, Algeria and the Gulf monarchies. The important factor, however, is that this was economic migration, as distinct from political or forced migration.

Migration movements out of Iraq can be broadly split into three phases – the pre-Gulf war (1991), the pre-Iraq war (2003) and the post-Iraq war (2003 onwards).

Up to and throughout the 1980s, emigration was largely driven by the policies of the Ba'athist regime under Saddam Hussein, compounded by the Islamic Republic of Iran–Iraq war (1980–1988). By the end of the decade, half a million Iraqi nationals had been expelled to the Islamic Republic of Iran on the basis that they were of Iranian descent and thus considered a threat to the regime. They mainly encompassed urban Shiite religious and economic elites, as well as, to a lesser extent, rural-based Shiites. Around 100,000 were granted Iranian citizenship by descent and the rest were treated as refugees. During the Islamic Republic of Iran–Iraq war, those expelled were joined by supporters of the Iranian revolution, deserters, refugees from the conflict zones and rural Shiites driven out by the military. Both in and beyond Arab countries in the region, migrants who were not forced out of Iraq did not generally leave for economic reasons. Those who could be described as being in the intellectual and professional classes were more likely to be motivated by dissatisfaction with the political system, which imposed limitations on their activities and free expression. From an economic standpoint, the prosperity of the country through the oil sector virtually guaranteed them employment. Official figures for the number of Iraqis living outside Iraq on the eve of the 1990 Gulf war do not seem to be available, but the working paper "Migration from Iraq between the Gulf and the Iraq Wars (1990–2003): Historical and Socio-spatial Dimensions" quoted an estimate of 500,000–700,000 (Chatelard, 2009).

The same report estimates that between 1990 and 2002, 1,500,000 Iraqis left the country permanently. During the Gulf war and the Shiite uprisings that immediately occurred after the war, national and international estimates put the resultant wave of migrants seeking refuge in neighbouring countries at 3 million. In the months following the conflict when the situation stabilized they started to flow back, but about 450,000–500,000 remained outside of Iraq. Until the Iraq war in 2003, there was no large, sudden exodus but 500,000 Iraqis were estimated to have crossed to Turkey from northern Iraq and a similar number through Jordan. Some 50,000 went to the Islamic Republic of Iran and around 10,000–20,000 to the Syrian Arab Republic. These countries were also used as transit points to the West.

The report summarizes the situation leading up to the 2003 Iraq war in the following terms:

*In 2002, 550,000 Iraqis throughout the world benefited from refugee status: 350,000 of these registered refugees were in Iran (combining 100,000 refugees from before the Gulf war and 250,000 who had arrived in later years), 20,000 were awaiting resettlement, mostly in Arab countries near Iraq and in Turkey. In these countries, particularly in Jordan and Turkey, at least 600,000 other Iraqis were living in irregular situations, either because they had entered irregularly, or because they had overstayed their visit or residence permits. The UNHCR estimated that 450,000 of those were in a “refugee-like situation”, i.e. unprotected and unassisted by their host states or international organisations. Finally, . . . one third of the migrants who left Iraq between 1990 and 2002 had settled in a western country mainly under an asylum regime. (ibid.)*

As previously stated, it is difficult to obtain a clear picture of the situation post-2003 because of a lack of official statistics in the public domain, but there is no dispute among commentators that the number of refugees from Iraq has increased since the Iraq war began in March 2003. After Saddam Hussein fell in 2003, over 300,000 returned home within two years, but by 2006 they were fleeing again. The US occupation and ethnic conflict among Iraqis ended the minority Sunni governance and shifted it to control by the Shiite majority, which precipitated a steady outward flow of those linked to the previous regime (UNHCR, 2007). The 2006 IOM report *Assessment of the Border Management of Iraq* stated that:

*The UNHCR estimates that 2,000 Iraqis are crossing to Syria per day and 1,000 to Jordan per day. Tens of thousands are moving on to Turkey, Lebanon, Egypt, the Gulf States and Europe. In the first half of 2006, Iraqis ranked first among asylum seekers in Europe, while statistics for thirty-six industrialized countries showed a 50% increase over the same period a year ago. According to the UNHCR, numbers of Iraqis returning to Iraq have declined from about 50,000 last year to 1,000 this year. An estimated 1.8 million Iraqis are now outside their country, including some 500,000 in Jordan and about 450,000 in Syria. A further 1.6 million are estimated to be displaced within Iraq itself. More than 425,000 people are estimated to have fled their homes and communities since Golden Mosque bombing in February 2006. (IOM, 2006)*

Reliable figures for inflows and outflows from 2006 to 2012 are not easy to obtain, but it is generally agreed that as the security situation improved and the economy gradually expanded, the number of returnees increased and those migrating declined, although the extent of the changes remains open to debate. However, the dynamics shifted significantly as the Syrian civil war intensified in 2012. Predictably, an exodus of Syrians fleeing the conflict started, supplemented by the movement back to Iraq of a substantial number of Iraqis who had previously sought sanctuary there.

Key assessment findings of the IOM report *Iraq: The Impact of the Syria Crisis* indicated that as of early September 2013, the total number of Syrian refugees in Iraq was over 220,000 individuals; additional 50,000 Iraqis had returned to Iraq since the beginning of the crisis. The northern region of Iraq was the most affected, receiving more than 160,000 Syrian refugees between March 2011 and August 2013. The population remains heavily dependent on humanitarian aid provided by the Kurdistan Regional Government of Iraq, international organizations and NGOs. According to the report:

*The mass and continuing influx of Syrian refugees, following the reopening of the Peshkhabour and Sehela border crossings on 15 August 2013, represents the single largest wave of refugees entering Iraq since the Syrian conflict began. According to preliminary assessments conducted by IOM Iraq field teams, the incoming refugees include a mixed population, approximately 70% of which are families with children, including a number of female-headed families. (IOM, 2013d:9–10)*

The Kurdistan Region of Iraq has similarly been affected by mass movements into the region of Iraqis, Syrians and others since the incursion of the Islamic State of Iraq and the Levant (ISIS) began in the summer of 2014. IOM – through its latest Displacement Tracking Matrix (DTM) – estimates that over 1.6 million people have been internally displaced in 1,577 locations across Iraq since the beginning of the year, following unrest in Al Anbar and Ninawa governorates (IOM, 2014b). The DTM data on 28 August shows that a total of 850,858 people have been displaced since the fighting broke out in the northern part of the country in August. Most of the displaced have found refuge in northern Iraq and in the adjacent districts of Ninawa and Diyala.<sup>13</sup>

In terms of migration patterns and dynamics, Iraq can be briefly summarized as a country that was once a destination for economic migrants mainly from Arab States across the region, and now has become a migration source country, principally, of refugees. Aside from refugees, the available figures (2009) for non-refugee foreigners living and working in Iraq are negligible and, given the nature of the security situation, the numbers are highly unlikely to increase in the foreseeable future.

### 2.2.1.3. Risk analysis of border points vulnerable to potential migration crisis

#### Syrian Arab Republic

The border between the Kurdistan Region of Iraq and the Syrian Arab Republic follows the course of the river Tigris, while the border between Iraq and the Syrian Arab Republic passes through vast stretches of sparsely populated desert. The northern provinces host the three official border crossings: Al Qa'im and Al Waleed, both in Al Anbar governorate, and Ra-bia'a in Ninawa. Given Iraq's perilous security situation and political upheaval, the central government closed all three crossings in August 2012, preventing refugees to enter through official routes. Syrians fleeing to the northern Iraq have mostly entered through the semi-official Peshkabour crossing in Dohuk province and through Sahela unofficial crossing just to its south. Both crossings were closed in May 2013, though entry was allowed for medical emergencies and family reunifications. On 14 August 2014, UNHCR reported that tens of thousands of members of Iraq's threatened Yazidi community have fled to the Syrian Arab Republic since ISIS militants conquered Sinjar and other northern Iraq towns in early August (UNHCR, 2014). Most have crossed via the Peshkabour border crossing into the Kurdistan Region of Iraq. An increasing number of Yazidis (about 15,000) are believed to be currently seeking refuge in the Syrian Arab Republic (ibid.).

Movements across borders also involve smuggling of goods (food, fuel, medicines, etc.), weapons and the movement of armed personnel. Widespread information gaps persist in relation to border areas. The limited access of humanitarian organizations to border areas and the scarcity of information hamper understanding the situation on the ground and the scale of population movements. The proliferation of armed groups in the Syrian Arab Republic and the fluid nature of territorial control lead to further ambiguity of the situation and challenges for movement of population into safer areas. Some BCPs are in remote, hard-to-reach and insecure areas, making it more difficult for those forced to cross on foot to get to these points (ACAPS, 2013).

<sup>13</sup> In response to the crisis, to date IOM has distributed 23,377 non-food item (NFI) kits, 16,685 food parcels on behalf of the World Food Programme, 2,050 women's dignity kits on behalf of the United Nations Population Fund (UNFPA), and 1,513 hygiene kits on behalf of UNICEF. IOM has also provided transport to 17,242 internally displaced persons since 4 August. It plans to distribute some 60,000 NFI kits and 10,000 tents, while also addressing health and mental health needs among the internally displaced persons through mobile health clinics and by supporting existing local health infrastructure.

## Saudi Arabia

Between 1990 and 2002, the Iraqi–Saudi Arabian border was closed. In October 2002, Reuters reported that Iraq reopened a border crossing with Saudi Arabia at Ar’ar, letting through people and goods for the first time since the frontier was shut after Iraq’s invasion of Kuwait in 1990. However, the situation changed after the start of the 2003 Iraq war and due to security fears over militants crossing from Iraq to Saudi Arabia. Since then, the border crossing has only been opened each year during the Hajj season, surrounded by strict security, to ensure that only legitimate Iraqi pilgrims are allowed entry into the Saudi Arabian territory. In conjunction with restrictions on the BCP, the Saudi Arabian border authorities also established surveillance towers to monitor the border. The towers are equipped with the latest technology in advanced surveillance, from radar to 24-hour thermal imaging. In addition, Saudi Arabia also began constructing a huge security fence along its border with Iraq in 2009, which was completed in 2012.

## Turkey

Ibrahim al-Khalil, also known as the Habur Gate, is the official BCP between Turkey and the Kurdistan Region of Iraq. Before the control point and gate, there is a bridge crossing the river Tigris, which forms the natural border between Iraq and Turkey. It was reported in November 2013 that Turkey and Iraq had reached an agreement to open two new border gates, following talks between Iraq’s central Government and the Kurdistan Regional Government of Iraq. The Habur Gate, through which 1.6 million vehicles pass annually, was not able to meet demands for trade between Iraq and Turkey, which has a trade volume worth USD 12 billion a year. The agreement to open Aktepe and Ovaköy border gates was originally signed by Turkey and Iraq in 2009, but the Iraqi central Government did not approve it (Hürriyet, 2013). However, it is not clear whether the additional BCPs are in operation yet.

## Kuwait

The BCP between Iraq and Kuwait is at Safwan Abdali, but it is not clear whether or not it is open, partially or fully.

## Iran (Islamic Republic of)

Iraq has numerous border crossings with the Islamic Republic of Iran along a boundary that runs for 1,458 km from the head of the Gulf to Turkey, and the six Iraqi provinces bordering the Islamic Republic of Iran all have crossing points.

The 2006 IOM report *Assessment of the Border Management of Iraq* stated that in the Kurdistan Region there are five official BCPs (internationally recognized) and three unofficial BCPs (acknowledged by the Islamic Republic of Iran and local authorities) (IOM, 2006). The official BCPs in the Kurdistan Region of Iraq are the Erbil International Airport, the Sulaimaniyah International Airport, Ibrahim al-Khalil (on the Iraq–Turkey border), and Haj Omran and Bashmakh (both on the Iraq–Islamic Republic of Iran border). The unofficial BCPs are Twella, Dezza Castle and Parviz Khan (all on the Iraq–Islamic Republic of Iran border). There are also other border posts at locations on the Iraq–Islamic Republic of Iran border where families living on both sides of the border may cross.

## Summary

Land BCPs are substantially more at risk of mass migration than either air- or seaports, and in the case of Iraq, it is the northern border with the Syrian Arab Republic that is most at risk, which is self-evident as the refugee crisis continues to unfold. The border of the Kurdistan Region of Iraq continues to encounter mass movement.

## 2.2.2. Humanitarian border management capacities for emergency situations

### 2.2.2.1. Regulatory framework

#### Policy

Open source research failed to obtain any official policy statements from the Government of Iraq or the Kurdistan Regional Government of Iraq in relation to dealing with migration emergencies at borders. However, the fact that there is an ongoing emergency at the Syrian border, policy can be determined, to some extent, from what is actually happening, although determining nationwide policy is difficult as the vast majority of refugees and returning Iraqis are arriving in northern Iraq.



Source: Jeffrey Beall; available from [http://upload.wikimedia.org/wikipedia/commons/f/f0/Erbil\\_International\\_Airport.JPG](http://upload.wikimedia.org/wikipedia/commons/f/f0/Erbil_International_Airport.JPG).

When the Syrian conflict began to escalate in March 2011, Iraq at first did not restrict the flow of refugees. However, in mid-August 2012 a policy decision was taken to close the border to all but emergency cases. As of late September 2012, between 500 and 2,000 Syrian families trying to flee to Iraq were stuck on the Syrian side of the border in the Abu Kamal area, opposite the Iraqi town of Al Qa'im, waiting to cross into Iraq. According to local aid agencies, they had been stranded in the area since Iraq closed its border. On 18 September, Iraq introduced a daily limit, allowing between 100 and 150 Syrians to cross.

As a result of the new policy and a prohibition on allowing men of military age to cross, the vast majority of those who crossed were women and children and some urgent humanitarian cases. On 5 October, UNHCR reported the Iraqi authorities continued to restrict entry to around 100 persons a day – generally women, children under 12 and men over 50 – and that only 768 had been allowed to cross through the Al Qa'im crossing in the previous week (Human Rights Watch, 2012). It is unclear whether the policy change was dictated by the central or regional Government or, indeed, both. Explanations proffered for the policy shift revolved around the need to develop more accommodation and infrastructure after the overwhelming numbers initially admitted.

The closed borders policy was reversed 12 months later on 15 August 2013, a move praised by UNHCR in a press release:

*As the exodus continues of Syrians into the Kurdistan Region of Iraq, the leaders of the UN refugee agency and the World Food Programme paid tribute to the government here for giving refuge to almost 200,000 people, including some 47,000 arriving in the last two weeks. Despite the strain of accommodating such a large number, the regional authorities have opened their border and offered land to accommodate refugees in camps. (World Food Programme, 2013)*

UNHCR has emphasized how welcoming the Regional Government and people of the Kurdistan Region of Iraq have been towards the refugees, despite the inevitable strain on local services and infrastructure. It appears that the Regional Government is continuing to meet its commitment to keep BCPs open.

It is the role of the Bureau of Migration and Displacement (BMD) to look after the interests of migrants, displaced persons and returnees to help them overcome the obstacles inherent to their situation. They have directorates in the provinces of Erbil, Soran, Duhok, Sulaimany, Kirkuk and Garmian, and different departments to look after refugees, displaced persons and migrants. Within the departments, different sections have responsibilities for refugees by nationality. The BMD currently only covers land borders and persons arriving across them, but it is seeking to extend its coverage to air and seaport BCPs, with the long-term objective of establishing offices in each of them. However, this means setting up the offices de novo and at the moment there are insufficient resources and funding to do so.

There are no facilities to process or register refugees or returnees at the border posts with the Syrian Arab Republic, and they are transported by bus to camps where they are registered by the BMD, UNHCR and IOM. UNHCR and IOM have computerized systems for registering those within their remit, while the BMD maintains manuscript records and handwritten identity cards that allow refugees to move out of camps and find employment. With this help, 56 per cent of Syrian refugees are living outside of camps. In the past, particularly on the Iranian border, temporary camps with facilities, such as water, electricity and access to medical care, among others, were set up relatively close to BCPs and used as transit points to give immediate relief before transport to more permanent facilities. However, these camps were only able to accommodate 400–500 people, which was not practical to deal with the sudden, extensive influx from the Syrian Arab Republic, primarily because of lack of resources.



Source: Corporal Jordan Johnson, U.S. Army; available from [http://upload.wikimedia.org/wikipedia/commons/5/5b/Gate\\_closing\\_Iraq-Kuwait\\_border.jpg](http://upload.wikimedia.org/wikipedia/commons/5/5b/Gate_closing_Iraq-Kuwait_border.jpg).

When the assessment team suggested that some sort of rapid registration could perhaps be conducted within a kilometre or two from the BCPs in facilities with the right infrastructure built for this purpose, it was pointed out that in war situations, the priority was the safety of refugees and it was the policy of the Regional Government and the BMD to move them straight away from the border. However, it was agreed that some sort of brief identity registration in such facilities, perhaps simply including biometrics, name and date of birth, could be possible if resources were available. This would at least ensure that there was a record of virtually all those crossing and could perhaps provide an opportunity for targeted rapid intervention where there were indicators of possible trafficking.

## Legislation

Legislation was covered in some detail by the Policy Task Force (PTF) in the report *National Guidelines for Migration Management in Iraq*. The report sums up legislation in place in 2008 as follows:

*The legal and administrative frameworks are in need of reform in order to enable the authorities to address current and future migration situations. There are instructions and orders that hamper the implementation of the legislation and its general applicability. For example, the Minister of Interior has made a decision to ban Arabs of other nationalities from entering Iraq, but at the same time the Minister can make an exemption to this rule and to allow individual Arabs of other nationalities to enter the State. GOI is now drafting new residence laws that contain all administrative conditions and clear procedures. According to the Policy Task Force, further reform will be necessary to ensure that laws and practice are compatible. (IOM, 2008, Chapter 2, section 2, paragraph 3)*

Unless provision has been made since the publication of the report, there is no specific legislation relating to emergency migration flows. The primary legislation dealing with the entry and residence of foreigners is the Residence Law on Foreigners No. 118 of 1978 (As Amended), which does not have any provision specific to emergency migration in relation to residence but includes provision on issuing emergency visas at borders under certain circumstances, which could conceivably be stretched to include those escaping disaster and conflict, as well as international aid and support workers. It would also seem that the Minister of Interior has wide-ranging discretion to relax or impose immigration regulations that could also be used in emergencies.



Source: Joaoleitao; available from [http://upload.wikimedia.org/wikipedia/en/5/5e/Ibrahim\\_Khalil\\_Border\\_Iraq\\_August\\_2009\\_-\\_2.jpg](http://upload.wikimedia.org/wikipedia/en/5/5e/Ibrahim_Khalil_Border_Iraq_August_2009_-_2.jpg).



The PTF made many recommendations on what should be included in future legislation, some of them at a very detailed level, such as a list of the type of information required in applications for residency, but none relate specifically to emergency situations and did not cover legislation relating to refugees. While Iraq is not a party to the Refugee Convention, the Iraqi Government has issued two legislative instruments related to refugees in the country. One is Law 21-2010, which establishes the Ministry of Migration and Displacement to provide assistance and services to both internally displaced persons and foreign refugees inside Iraq. The other is the Political Refugee Law of 1971, which addresses political refugees only and establishes benefits for these refugees, such as the right to work and the same health and education services received by Iraqis. However, the law does not apply to refugees who have fled their countries for other reasons.

To facilitate the voluntary return of internally displaced persons to their places of origin, the Iraqi Council of Ministers issued Decree 262 of 2008, which authorizes the Ministry of Displacement and Migration to provide monetary awards to Iraqis who were forced to leave their homes because of sectarian violence.

With respect to benefits offered to foreign refugees, Ministerial Resolution 202-2001 provides Palestinian refugees with all the benefits to which Iraqi nationals are entitled. Following the Syrian crisis in 2011, authorities of the Regional Government granted Syrian refugees the right to enroll in public schools and work in the region (Sadek, 2013).

### Inter-agency contingency planning

It could be reasonably argued that the establishment of the PTF<sup>14</sup> and the report that it produced is an example of inter-agency planning, even if the term contingency is not entirely appropriate to the project. It clearly demonstrates that the Government recognizes the need for inter-agency cooperation and is prepared to facilitate joint work. There are no readily available examples of government inter-agency contingency planning, although this again carries the proviso that such plans may exist outside the public domain.



Source: Joaoleitao; available from [http://upload.wikimedia.org/wikipedia/en/c/c7/Ibrahim\\_Khalil\\_Border\\_Iraq\\_August\\_2009\\_-\\_4.jpg](http://upload.wikimedia.org/wikipedia/en/c/c7/Ibrahim_Khalil_Border_Iraq_August_2009_-_4.jpg).

<sup>14</sup> The Task Force comprises of the Ministry of Migration and Displacement, the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs and the INIS. Contributions by other supported ministries came from the Research Centre for Legal Studies and Human Rights (an NGO), Iraqi House (an NGO), IOM Iraq, Mr Richard Lewis, Mrs Hilka Becker and IOM TCC Vienna.

The most comprehensive document about the Syrian influx, available in the public domain, is the UNHCR-led Syria Regional Response Plan, which identifies the needs, vulnerabilities and capacities of the international aid effort and defines the response strategy and priorities. It is regularly updated and revised, which indicates that a large number of national and international relief agencies are working together in response to the crisis, together with the central and regional governments. It is arguable whether a response plan can be also deemed a de facto contingency plan, as it is generally reactive rather than proactive, but would need little adaptation to turn it into a contingency plan for future crises in Iraq.

It was also reported by the BMD that emergency committees consisting of government agencies, NGOs and provincial governors – which were formed several years ago to address cross-border mass movements and internal displacement due to disasters – still operate today. Refugee camps are managed and administered by local authorities under the direction of the BMD, which sets policy and guidelines on how they should be run. The BMD does not have offices or a permanent presence at BCPs, as it lacks resources. As with the regional response plan, the committees tend to respond to emergencies rather than make preparations in advance.

### **International obligations and agreements**

Iraq has not ratified and/or acceded to the following UN conventions and protocols:

- Convention Relating to the Status of Refugees
- Convention Relating to the Status of Stateless Persons

Iraq approved the Cairo Declaration of Human Rights in Islam at the Organization of the Islamic Conference in 1990. The Cairo Declaration is a guiding document that does not require ratification. Iraq also approved the original Arab Charter for Human Rights in 1994 and the revised version prepared by the Arab League at its Summit in Tunisia in May 2004 but it did not ratify it. The Charter entered into force on 16 March 2008.

#### **2.2.2.2. Administration**

##### **Structure of border crossing points**

The main agencies involved in border management in Iraq are the DORA, the Border Police, Customs (both civil and police), the Iraq National Intelligence Service (INIS), the Ministry of Transportation, the Ministry of Agriculture and the Ministry of Health. Additionally, to help these agencies, the MFA handles visa and passport application processes within Iraq.

The DORA is responsible for the control of entry, departure and residence of foreigners through all BCPs, while the Border Police patrol between BCPs and apprehend illegal migrants attempting to circumvent BCPs. Thus, the primary directorates involved directly in immigration management are the DORA and the Border Police, the latter being part of the Directorate of Border Enforcement. Both the DORA and the Border Police are under the mandate of the Ministry of Interior.

The DORA headquarters is located in Baghdad and is supported by provincial offices. Apart from being responsible for the examination of travellers entering and leaving the country, the DORA also performs the following functions:

- Approve visas issued abroad;
- Issue emergency visas at borders;
- Register foreigners;
- Issue residency cards, laissez passers and other travel documents;
- Investigate, detain (in police centres) and deport illegal migrants.

The Border Police, with headquarters also in Baghdad, maintain 12 brigades over five regions across Iraq.

Emigration from Iraq is the responsibility of the Ministry of Migration and Displacement, which was created in 2004 by the Coalition Provisional Authority. It is mainly responsible for:

- Making follow-ups on issues relating to internally displaced persons and migrants throughout the world;
- Facilitating the return of migrants and internally displaced persons, and stabilizing the conditions and modalities of return;
- Finding solutions, in coordination with the Ministry of Interior, to problems relating to the restoration of nationality to those from whom it was removed by the previous regime;
- Carrying out statistical migration and displacement analysis.

The INIS (whose counterpart in the Kurdistan Regional Government of Iraq is known as Asayish) operates the PISCES at BCPs. As specified in *National Guidelines for Migration Management in Iraq*, the INIS has the following function:

*INIS tasks are to follow up the status of foreigners inside Iraq and outside Iraq, with security information regarding them, which harm the national security, in order to save stability and security inside Iraq. INIS staff serves at border check points to carry out the functions mentioned above. (IOM, 2008)*

*National Guidelines for Migration Management in Iraq* also defines the role of the MFA as:

*The MFA is responsible for consular affairs, including the issue of visas of different types, in order to ensure the well-being of Iraqis abroad and facilitate their return, if so desired, with suitable documentation. MFA is also responsible of Iraq's treaty obligations and for the relations with other countries and international organizations. (ibid.)*

While the administration of migration management at borders – as far as the role of the DORA and the Border Police is concerned – is up to date, the functions of other agencies and ministries in border control at an operational level at BCPs is not current and mostly dates back to reporting between 2006 and 2008.

The field visit to the Ibrahim al-Khalil BCP with Turkey provided a first-hand view of a BCP at an operational level. The BCP is a large complex of mostly modern structures with at least 10 office buildings within it, including a police station, to accommodate the various agencies active at the border, such as the DORA, Asayish, Customs, the Ministry of Interior, the Police, the Ministry of Health and the Ministry of Agriculture. Additionally, there are freight sheds, canopied areas for vehicle examination and extensive parking facilities. The BCP was described as being a microcosm of the Government with between 2,000 and 2,500 officials employed. The BCP at Ibrahim al-Khalil is separated by a bridge crossing the river Tigris, forming the natural border between the two countries.

Roughly 11,000–12,000 passport holders and 2,000–2,500 vehicles, which include 1,500–2,000 commercial vehicles, cross this BCP daily according to authorities. Of these border-crossers, 75 per cent to 80 per cent are Turkish and the rest represent a wide variety of nationalities. The first line of control is immigration, operated by the DORA, followed by customs and then a final check, also by the DORA. According to the DORA, the final check is carried out to “make sure that all is in order”. It appears that checks are done more than once to ensure that the appropriate endorsements and official documents have been obtained before border-crossers are permitted entry; these are also probably an anti-corruption measure. The DORA has approximately 130 staff, which includes administrative staff, and 35 immigration officers rostered per shift for

24 hours. The DORA also has a legal department on site. There is no accommodation purposely built for migrants, and irregular migrants are detained in cells at the on-site police station. Trafficking is not considered to be a problem and no proven cases have been reported.

When asked if there were any preparations or contingency plans to cope with a sudden influx of migrants, the Government side informed the assessment team that the policy would be to resist it, if necessary, with the use of the Peshmerga and security forces. Authorities stated that the bridge linking the BCPs made it easy to seal the border. However, when it was pointed out that the Regional Government's policy on the Syrian border was to allow refugees to enter without immediate restriction, the Iraqi authorities reported that no contingency plans, neither specific to the DORA nor inter-agency, existed but that there was plenty of space within the BCP perimeter – much of it already fenced – to contain and at least start processing a large volume of migrants. The assessment team conducted a brief tour of the complex and observed that the self-contained fenced areas were extensive and could be utilized for receiving an influx of migrants. However, the areas were open to elements; thus, shelters would be required, as well as a reception infrastructure necessary to house processing officers and equipment.

The arrival and embarkation controls are modern, with bright, well-ventilated waiting rooms furnished with seating for those waiting to see immigration officers and there is a queuing system using electronically generated numbers. All travellers are required to leave their vehicles and proceed to the controls for checking, and there are separate facilities for car/coach passengers and freight drivers. After the arrival or embarkation procedure, passengers may return to their vehicles and drive to the customs control. The embarkation control is equipped with seven PISCES units that were installed in 2013. These units are linked to the main PISCES unit in Erbil, from where the alert list is updated automatically. They are also linked to the other two posts where PISCES units are installed. All travellers are photographed on PISCES, but there is currently no facility for taking fingerprints. The main arrival control, which is in a separate building, is equipped with five PISCES units. Four other units installed in a suite of rooms on the opposite side of the control can be utilized when traffic is heavy.

### **Humanitarian border management and other related training**

A training needs assessment was carried out in Iraq in early 2013, upon which a report and an action plan were based and prepared.

There are three immigration training centres (ITCs) in Iraq, and these are located in Baghdad, Basra and Sulaimaniyah. The ITCs in Baghdad and Sulaimaniyah are run by the DORA, while the Basra ITC is administered by and is for usage of the Border Police. At the time of the assessment, these ITCs were responsible for immigration training within the regions they covered and operated independently. Although there was some exchange of information, it tended to be sporadic and there was no official instrument to monitor the consistency of the curricula, updates of training materials or the delivery of basic training.

All three ITCs had curricula originally provided by IOM when the centres were inaugurated between 2008 and 2010. While this suggested consistency, it was apparent that there was no uniformity in the curricula. Assessment results suggested that there were substantial differences between how basic training courses had been developed and delivered. There was a general agreement between all ITCs that the curricula and training material they were using were in need of updating and expansion. The subjects covered had not kept pace with the changing nature of immigration challenges facing front-line officers and there was a need to incorporate a substantial amount of additional material, including that relating to humanitarian border control. A generic sample curriculum was suggested, which contained topics related to international obligations such as the basics of international law and protocols relating to migration issues, human rights, the right to privacy, obligations concerning refugees, cross-border exchange of

information and data protection. Additionally, staff in these ITCs identified the need for financial support for training on anti-trafficking in persons, which would include care for and protection of victims.

According to the PND, training has progressed since the training needs assessment was completed in 2013, but there is still a need for international training in areas such as residency processing, anti-trafficking in persons and document examination. It was acknowledged that IOM has been active in the training arena and it was requested that the Organization's assistance be continued, which at least paves the way for future training activity to address humanitarian border management, with emphasis on contingency planning in emergencies and obligations under international treaties and agreements.

## Inter-agency cooperation and oversight mechanisms

It appears that the first comprehensively documented attempt to establish formal cooperation in the migration sector occurred in 2004 when the PTF was set up (IOM, 2008). The involvement of interlocutors from so many ministries and agencies, both government and non-government, suggested a serious desire to develop an integrated border management system (IBMS). The PTF, in effect, has made an assessment of how cooperation should be developed:

*The Policy Task Force estimates that a systematic dialogue between the different ministries needs to be established. For this purpose, the PTF members recommended that migration management in Iraq be directed at the highest level in order to ensure coordination with other interested parties.*

*According to the PTF members, this body should include all the ministries with migration-related functions.<sup>15</sup> The fact that there were ten ministries involved in the December 2004 workshop shows the extent to which such a coordination function is needed. The Policy Task Force recommends that the Council of Ministers would have the leading role in the Committee.*

*The PTF members suggested that IOM, as the International Organization with the broadest migration mission, could be asked to provide logistic and other support to the MoM for this task. (IOM, 2008)*

The PTF went on to state:

*The Policy Task Force encourages an effective information exchange between relevant ministries through the establishment of a committee or commission which will supervise the work of the ministries, coordinate their work, resolve issues and ensure that there is no overlap between the areas of work of the ministries working in the area of migration is recommended. (ibid.)*

It is apparent from various reports relating to the Syrian crisis that the Regional Government in particular, NGOs and relief agencies are working together, but it is not entirely clear how formal operational cooperation has become, in terms of joint planning, provision of services and specific delineation of responsibility. UNHCR reported that the agencies with presence at the border are the DORA, the BMD (in camps), UNICEF and UNHCR. The main camp in the region, at the Domiz, is currently full, and a smaller camp closer to the border at Bajeed Kandla, is now

<sup>15</sup> At the very least, defence, migration, health, higher education, interior, justice, finance, foreign affairs, labour and social affairs, and planning and development cooperation.

being used. There are also camps in Erbil. The BMD provides transport at the border to take refugees as soon as possible to camps where registration takes place. Refugees are first checked by Asayish against a warning list and are then referred to UNHCR for registration. UNHCR obtains personal details and takes photographs of all refugees, adds these to its own database and then issues a protection document.

At the moment, biometric data is not collected but fingerprints will start to be taken within a month. The DORA computerized registration system produces computer-generated identification cards, which allow those registered to leave the camps and take employment. Refugees who are 12 years old and older are registered. UNHCR has supported the DORA in the registration process and provided an office and equipment for the Department to operate the registration system in Erbil. While these agencies clearly work together, they do so within their own spheres of responsibility and joint planning is not a feature of their relationship.



Source: Alan S. Brown, U.S. Army; available from [http://upload.wikimedia.org/wikipedia/commons/5/53/Iranian\\_border\\_to\\_Iraq.jpg](http://upload.wikimedia.org/wikipedia/commons/5/53/Iranian_border_to_Iraq.jpg).

Also, since 2004, IOM has been implementing the Capacity-building in Migration Management Programme (CBMMP) to support the Government of Iraq in its efforts to strengthen migration management. As part of this, an interministerial task force, comprising eight ministries of the Governments of Iraq and the Kurdistan Region of Iraq, was established to draft a national border management strategy (NBMS) with an emphasis on migration information systems. At the closure of phase 4 of the second part of the project in 2013, IOM handed the final draft of the NBMS over to senior interlocutors at the Council of the Ministers Secretariat and the National Security Advisory for their approval. Overall, this project component has promoted intra- and interministerial dialogue on migration management issues, including sensitive issues such as information exchange between ministries of the central Government of Iraq and the Kurdish Regional Government of Iraq, as well as:

- An assessment of border management systems;
- An assessment of identity management procedures in Iraq;
- The facilitation of cooperation between the Government of Australia and the Government of Iraq on identity-related issues;
- The provision of document examination equipment and training;
- Human rights training for trainers.

Although phase 4 of the CBMMP has now concluded, the Government of Australia has recently agreed to fund phase 5.

### 2.2.2.3. Operations

#### Standard operating procedures for emergencies

Quite apart from emergency-specific SOPs, there is some doubt about the existence of SOPs covering the day-to-day procedures governing how customs and immigration operate. The 2006 IOM border management assessment team did not, apparently, get to see any and remarked that:

*Some interlocutors commented that immigration and customs inspection procedures varied from day to day and from inspector to inspector. It was suggested that sometimes border officials exceeded their authority and exhibited a lack of knowledge of the law. Officials affirmed that lack of training and experience are issues. . . . Some observers stated that operational procedures had been drafted and distributed, but were ignored and disappeared. (IOM, 2006:49)*

SOPs were also examined during the training needs assessment in 2013, and it was reported that:

*It emerged during discussions that there was no formal manual of operating instructions for either DORA or the Border Police. The absence of a central source of reference material is a hindrance to the training and development of both new and experienced officers, as well as the effectiveness of the organization as a whole. A single comprehensive manual of operating instructions, procedures and reference material stored electronically is a basic requirement for immigration agencies and they are in common use internationally. (IOM, 2013c:18)*

During the assessment visit, it was reported that the PND still does not have formal SOPs or contingency plans for emergencies at the borders, as these are seen as the responsibility of the central Government. In the event of an emergency precipitating mass migrant movement, various agencies come together and take care of their own spheres of activity. Initially, it was reported that the DORA has SOPs for routine operation at borders, but it emerged that BCPs are given the legislation and are expected to individually develop their own procedures.

#### Regional and international cooperation

Iraq has significantly improved relations at both the regional and international levels since the end of the Ba'athist regime. While its relations with Kuwait remain strained, there is cooperation in trade and legal issues with the rest of its neighbours. Relations with the Islamic Republic of Iran have steadily improved, and recent media reports have focused on a meeting in Tehran on 10 April 2014, between the Justice Ministers of the Islamic Republic of Iran and Iraq, which underlined the need for further promotion of judiciary cooperation between the two countries. An MoU on extradition of prisoners was signed, and expansion of judicial cooperation, organization of cross-border travel, tracking of illegal entries, and determining the fate of detainees and non-convicts as well as the development of economic, tourism and pilgrimage capacities were covered in the bilateral discussions (Islamic Republic News Agency, 2014).

Agreements with the EU have been signed or are being negotiated. One of the latest, signed in 2012, is a partnership agreement between the EU and Iraq that aims to:

- Provide an appropriate framework for the political dialogue allowing for the development of political relations;
- Promote trade and investment and harmonious economic relations between the parties to foster sustainable economic development;
- Provide a basis for legislative, economic, social, financial and cultural cooperation.

(European Union, 2012)

The agreement also includes a readmissions agreement with all member States of the EU to:

*Readmit any of its nationals who do not, or who no longer, fulfill the conditions in force for entry to, presence in, or residence on the territory of a Member State of the Union/Iraq, upon request by the latter and without further formalities. (ibid.:67)*

Iraq is a member of the following international organizations: Arab Fund for Economic and Social Development, Arab League, Arab Monetary Fund, Council of Arab Economic Unity, Customs Cooperation Council, Economic and Social Commission for Western Asia, G-77, International Atomic Energy Agency, International Monetary Fund, International Maritime Organization, INTERPOL, International Organization for Standardization, International Telecommunication Union, Non-Aligned Movement, Organization of Petroleum Exporting Countries, Organization of Arab Petroleum Exporting Countries, Organization of Islamic Cooperation, United Nations, Universal Postal Union, World Health Organization and World Bank.

If all BCPs around Iraq were smoothly operating like the Ibrahim al-Khalil BCP, this is an indication that Iraq has good relations with immediate neighbours, both at the official and informal levels. Meetings between counterparts are held every two weeks, the agenda items of which are determined by the current issues. To support this, there is a full-time liaison office at the BCP, which is a satellite office of the Kurdistan Regional Government of Iraq's Department of Foreign Relations in Erbil. If any immediate local issues arise, officers from both sides meet and discuss them informally; if a formal resolution is required, it is handled by the liaison office in conjunction with the central office in Erbil.

### **Risk analysis, assessment and information-sharing**

The report *Assessment of Existing Migratory Data Collection, Management and Sharing Procedures in the ROI*, published by IOM in August 2013, under phase 4 of the CBMMP, describes the BMIS in the Kurdistan Region of Iraq and the information gathered from it. The report concludes that the BMIS in the Kurdistan Region of Iraq is not linked to the rest of Iraq and stresses the importance of sharing information in the region. The report also reveals that the present situation is a little different from that outlined in preceding reports, which covered broader aspects of risk analysis, BMIS and information-sharing. For example, IOM's assessment report on border management stated that in 2006:

*[t]here is no coherent management of border data in Iraq, nor a national plan to establish it. . . . The various border management stakeholders have their own systems and databases, are planning them, or are seeking to obtain data from other stakeholders. Most agree that consultations and coordination is needed regarding border data management. Interlocutors also acknowledged the desirability of linkages among offices throughout the country and among stakeholder data systems with related roles, balanced by appropriate controls on access to information and protection of individuals' privacy. (IOM, 2006:59)*

The report also alludes to data analysis, which would, in generic terms, also encompass risk and threat assessment:

*Data management extends beyond collection, storage and distribution of data. A key function in data management is analysis. Commonly, immigration services have a unit responsible for the analysis and reporting of border data. Such data is also valuable for intelligence analysis of illegal migration and development of operational targets, risk mitigation measures and policy initiatives. Development of such analytical capacity may be incremental as systems are implemented and expertise evolves. In the present context of border management in Iraq, an analytical capacity may take some time to develop, but the function needs to be considered in designing the national border data strategy and development plan. (ibid.:61)*



Progress has been made and how the systems and databases are now linked is covered Section 2.2.2.4 – Information Management. As far as migration intelligence is concerned, the PND reported that there is now a central repository for the collection of information within the DORA and information gathered at borders is analysed in Erbil. The volume and quality of information depends on the competency of staff at various BCPs and it was said that the level of education of officers was a factor in the quality and quantity of what has been obtained. Collection and analysis is done in the DORA by immigration intelligence units in Erbil and Baghdad, and information is exchanged between them. Without visiting the DORA intelligence unit, which was not possible, the effectiveness of immigration intelligence capability could not be assessed.

### **Rapid border intervention teams and mobile assistance/training**

IOM's report on the impact of the Syrian crisis provides a detailed insight into how IOM's network of field-based Rapid Assessment and Response Teams (RARTs) are deployed in emergency situations to conduct swift nationwide needs assessments and deliver aid tailored to the specific needs of beneficiaries across all 18 governorates. Other relief agencies such as UNHCR presumably also have rapid response teams and training programmes for the officers of the teams.

There are no formal arrangements or established teams in government departments and agencies specifically dedicated to rapid response to migration issues in emergencies. It, therefore, follows that there is no customized training programme for planning for and handling such situations.

### **Facilitation of returns and readmissions**

The BMD is active in encouraging refugees – mostly from Turkey and the Islamic Republic of Iran, and, to a lesser extent, Europe – to return to Iraq. The resettlement grant offered by the Regional Government is generous, amounting to USD 80,000 per family. Assistance is also offered to find accommodation and employment. The offer of assisted return for Iraqi refugees is publicized widely in print media and one of the criteria to qualify is that they must have been originally forced out of Iraq. The return process is administered by IOM, and so far 2,500 families have received assistance and 1,000 more are currently being processed. The scheme is run with the cooperation of the refugees' host governments. For the processing of their return, the refugees have to complete a series of forms, and upon their arrival in Iraq, identity documents issued by the host country are obtained by Iraqi officials and these documents are replaced with those issued by the Iraqi Government. This scheme only relates to Kurdistan Region of Iraq and is not replicated elsewhere in Iraq. The BMD has readmission agreements/MoUs with France, Germany, the Netherlands, Switzerland and the United Kingdom, and is currently negotiating with France and the United Kingdom to try and make them EU-wide.

Given the lack of migration to Iraq since the 2003 war, return agreements have focused on returning Iraqis, but this situation has recently shifted with the conflict in the Syrian Arab Republic. Registration and record systems for migrants and refugees, which are central to eventually managing returns and readmissions, must be robust. Estimates broadly agreeing that around 50 per cent of refugees from the Syrian crisis are not registered at all would suggest that, at the moment, these record systems are not sturdy and reliable. It is, of course, not yet appropriate to consider large-scale return of migrants to the Syrian Arab Republic, which is currently the only nationality to which this may eventually apply, but in due course agreements will have to be negotiated, along with resettlement schemes and assisted voluntary returns, among other things.

## 2.2.2.4. Information management

### Identity and risk management, emergency passport and visa system

The most recent information on identity management that could be located was contained in the supplement to the assessment report on border management in the Kurdistan Region of Iraq:

*As described in the Assessment of Border Management in the Kurdistan Region of Iraq (ABMKRI) report, the primary border data system in Iraq and in Kurdistan Region is the Personal Identification Secure Comparison and Evaluation System (PISCES), developed by the United States as a border control system with a watch list of suspected and known terrorists. It is deployed at Erbil International Airport and Sulaimaniyah International Airport, where it is under the control of Asayish (Kurdish Intelligence Agency) but operated at the inspection booths by the immigration service of the MOI. In the rest of Iraq it is under the control of and administered by the Iraq National Intelligence Service (INIS) and operated by Department of Residency Affairs. Control of the data by the intelligence services has tended to limit the availability of information other ministries can obtain from PISCES in pursuit of immigration-related purposes. (ibid.:14)*

Further information on the deployment of PISCES in central and southern Iraq is contained in the 2006 report on assessment of border management in Iraq, but this predates the ABMKRI report and acknowledges that the introduction of BMIS, specifically PISCES, was at an early stage. BCP locations for the equipment were not listed, but assessment team visits revealed that the Baghdad International Airport and the Trebil BCP on the border with Jordan were equipped with the BMIS. The 2008 report *National Guidelines for Migration Management in Iraq* indicated that things had not improved much between 2006 and 2008, acknowledging that:

*There is an urgent need to increase the levels of information technology in all ministries. The equipment in the DORA is in need of modernization and review. For example, new formats for visas will soon be required and the DORA needs to be linked with the border crossing points to enable its staff to exchange information with the staff at the border crossing points. Currently, the DORA has access to very little information and the absence of databases in the relevant departments hinders the administrative process and the establishment of a routine. (IOM, 2008:62)*

At the time, there was no linkage between the fledgling BMIS, the visa system and the residence registration system, all of which are central to border management and especially so during large-scale, emergency movements at borders when fast, efficient recording and storage of identity information is essential. The 2006 ABMKRI report summed up what was required at the time:

*The PISCES system may be the potential foundation for the national strategy . . . , or at least a vital component. It is not certain if the INIS is prepared to see PISCES developed to meet that objective. It is possible that additional programming would be required to collect and distribute border data needed by other ministries. The GOI would have to decide if developing PISCES beyond its current focus on national security is in the national interest or if another system should be developed to collect and distribute comprehensive entry and exit data on international travellers. However, developing PISCES to its fullest capacity as a border data system, if technically feasible, would offer time and cost advantages. It would be unfortunate if entry and exit data (which were not shared by the intelligence service under the old regime) could not now be shared from the new border data system that is controlled by the current intelligence service.*

*To improve visa processing, the visa data system should incorporate automated visa issuance, a shared database on entry visas for MFA and DORA operations and electronic links among all offices using it. The system should also include data for the DORA's*

*residency processing and records within Iraq. To facilitate the processing and control of foreign workers, a foreign workers database should be included in this system, and that information should be shared with the MLSA. The visa system should also be linked to the border data system.*

*The nationality and identity card data systems need to be developed as databases and automated issuance systems for their respective programmes. Subject to prudent controls regarding the privacy of individuals, they should be linked with each other and to the passport data system. Expansion of the passport data system and links to the border data system should continue, incorporating controls for the privacy of individuals. (IOM, 2006:60)*

The assessment team had a meeting with the PND of the Ministry of Interior to help clarify the overall situation as regards databases and reveal what progress has been made.

The PND is composed of three departments, each headed by a Director:

- DORA
- Passport Department
- General Information Department (GID)

The DORA is responsible for front-line immigration control at all BCPs, the Passport Department issues Iraqi passports and the GID controls the issuance of national identity cards to Iraqi citizens. Operational responsibility for physically issuing national identity cards is carried out by the Directorates of Citizenship and Civil Affairs in the provinces of the Kurdistan Region of Iraq.

While the DORA and the Passport Department have their own databases, the GID maintains a central database which, in addition to collecting and storing details required for national identity cards, also stores information from other government databases, such as driving licenses, vehicle registration and passports. Although the database does not directly link to a police national computer, it receives data from the police to prompt alerts on people who are on the most wanted list, essentially on a need-to-know basis. Requests for information from other ministries and agencies are received by the GID for checking across multiple databases. This system has been developed over the past eight years. There is a separate database for the registration of foreigners, which connects to the BMIS. There is also a separate database for the registration of refugees, which is located in refugee camps and operated by the DORA; storage of information in this database is computerized.

No Iraqi identity documents currently require submission of fingerprints or any other biometric data, although passports are machine-readable. A project to include biometric data on national identity cards is due for completion next year. The project is being run nationally in Baghdad. Foreigners do not get a registration card and any extensions of stay are endorsed in their passports by the DORA. Refugees get an identity card from the DORA and also register with UNHCR.

There were said to be many problems with the registration technology and BMIS, but one, in particular, was highlighted by PND – BMIS is not connected to all BCPs, and although it is connected across BCPs in the Kurdistan Region of Iraq, they were not linked to the system across the rest of Iraq. As a consequence, hard-copy alerts are sent from Baghdad to Erbil, where they have to be added to the system of the Kurdistan Region of Iraq. Often, by the time the alerts are received by Erbil officials, they are already out dated. The situation as regards fingerprint collection remains unclear. From the first-hand experience of the assessment team in 2013, fingerprint scans were carried out at the arrival and embarkation controls at the Erbil International Airport, but during the latest visit, this practice had ceased. None of the interlocutors that the team interviewed was able to offer an explanation.

Operation of the visa system is covered in the ABMKRI report and *National Guidelines for Migration Management in Iraq*, but information in these publications is obviously outdated and there is hardly any information available from open sources. The Iraqi MFA website is not particularly informative and the same can be said about individual embassy websites. It is difficult to determine from the websites which nationalities are required to have visas before arrival and/or whether there are facilities available to obtain them on arrival.

*National Guidelines for Migration Management in Iraq* sums up the process in 2008:

*A foreign national shall submit his/her application to one of the Iraqi consulates/embassies for the purpose of obtaining an entry visa to Iraq. He/she should present a proof that he/she has the financial ability to live in Iraq.*

*The consulate shall refer the application the MoI (DoRA) through the MoFA in order to obtain the official approvals from the relevant departments and to check whether the applicant is banned from entering Iraq or if there are any security alerts regarding the applicant. (IOM, 2008:25)*

There are provisions for granting visas at BCPs for persons in certain categories if they can demonstrate that there were “insurmountable obstacles that prevented him/her from obtaining an entry visa prior to travelling to Iraq” (ibid.:28). Visas issued in embassies abroad are the responsibility of the MFA, and the computer system on which they are processed is not linked to the systems in Erbil and visa records are not sent back.

To summarize, progress has been made since the last border management assessment, particularly in relation to linking of databases, the establishment of the GID central database and a computerized registry of foreigners. However, there is an urgent need for a central, automated, real-time update capacity for the alert list. Biometric collection is also a pressing issue, as without the fingerprint collection function on PISCES being activated, the system is obviously not working to its full potential. Finally, the visa database is not linked to PISCES or any other databases, and information on visas issued is not transmitted back to Baghdad and/or Erbil.

## **Border communications systems**

The ABMKRI report noted that in 2006:

*Communications among BCPs and their headquarters can be difficult, due to the lack of telephone lines, absence of mobile telephone coverage in some areas and sometimes geographic and weather limitations on the use of radios. (IOM, 2006:60)*

The Iraq war of 2003 severely disrupted telecommunications throughout Iraq, including international connections. However, determined government efforts to rebuild domestic and international communications through fibre-optic links are in progress, and the mobile telephone market expanded rapidly to some 27 million subscribers at the end of 2012. Since 2007 three GSM operators have expanded beyond their regional roots and offer near-countrywide access to second-generation services; third-generation mobile services are not available nationwide. Wireless local loop is available in some metropolitan areas and additional licenses have been issued with the hope of overcoming the lack of fixed-line infrastructure. Local microwave radio relay connects border regions to Jordan, Kuwait, the Syrian Arab Republic, and Turkey; international terrestrial fibre-optic connections were established with Jordan, Kuwait, the Islamic Republic of Iran, Saudi Arabia and Turkey in 2011 (CIA, 2014b).

As expected, there has been rapid development of the communications sector in Iraq generally, which should have benefited the migration sector along with everyone else. Information given at Ibrahim al-Khalil BCP indicated that communication is primarily by landline telephone and there

is a secure link to Erbil. There is no VPN system and any emails sent or received are on officers' private email accounts. Mobile telephone coverage is wide and reliable. However, the absence of a VPN system within the DORA is surprising, as the technology clearly exists to implement it and provide a rapid, relatively secure communication link for all staff.

## **Mobile border registration/identity technologies and referral systems**

Mobile systems for registration and identity management are not mentioned in the reports available or in open sources. None of the government officers interviewed were aware of any mobile equipment for emergency registration, but it is presumed that, if an emergency occurred, it could be obtained if the existing equipment is not easily transportable. This said, it would seem prudent to have such equipment in storage and available for immediate deployment as part of a contingency plan. Even if systems are not deployed, the BCPs in emergency situations, bolstering capacity in camps and registration offices, would be desirable.

### **2.2.2.5. Summary**

Assessment of Iraq for this report has centred on the Kurdistan Region of Iraq, as it was not possible to visit Baghdad because of the fragile security situation surrounding the presidential elections in the spring of 2014. Conclusions drawn from the country visit have since been overshadowed by the uncertainty caused by the recent ISIS incursion, certainly as far as Iraq outside of the Kurdistan Region is concerned, so they will pertain mainly to the regional context, although it should be noted that the Iraqi constitution mandates that the migration structures of both the Kurdistan Region of Iraq and the rest of Iraq are aligned.

Iraq, once a destination for economic migrants, has become a source country over the past 12 years since the Iraq war. However, this situation has recently been reversed, partially by the economic development in northern Iraq around the oil industry but principally by the civil war in the Syrian Arab Republic, which has driven out not only Syrian refugees but also Iraqis who had migrated there. The Regional Government has responded to the crisis by keeping border posts open to refugees, even though they are sometimes closed on the Syrian side, to provide humanitarian support, accommodation and material assistance. Although not being ideal from the point of view of managing identity and screening migrants, it has become an unwritten policy to move refugees away from BCPs. Registration by various agencies is mostly carried out only later in camps, thus resulting in many migrants not being able to register. A system of rudimentary identity verification, perhaps involving collection of basic biometric data, as migrants are leaving the border area would be worthy of consideration, especially in light of the current circumstances.

An inter-agency policy task force exists to coordinate policy development, but it does not appear to have addressed crisis migration management with contingency planning yet, although inter-agency emergency committees at the provincial level currently coordinate relief efforts. The development of a formal contingency plan would perhaps enable the response structure through the emergency committees to be more proactive. From this, it should also be possible to develop generic SOPs for border officers rather than, as at present, BCPs producing their own from legislation provided by the centre. Three ITCs provide training for border officers, and work is in progress to further develop consistent curricula and update training material.

Use of IT, such as the installation of the PISCES across all main BCPs in the Kurdistan Region of Iraq (although not linked to the rest of Iraq), would be desirable. While capable of taking fingerprints, it is not routinely set up to do so, although the intentional objective for the future is full fingerprint collection. Identity technology is in place and linked to a central information system, which allows for verification of information against other databases in the public administration structure. It seems that the development of the registration system is progressing well, although further work and resources are required.

## 2.3. PAKISTAN

Figure 6: Map of Pakistan



Source: United Nations website, cartographic section, 2014.

Pakistan covers an area of 796,095 sq km (307,374 sq mi), approximately equal to the combined land areas of France and the United Kingdom. Pakistan has a 1,046 km (650 mi) coastline along the Arabian Sea and the Gulf of Oman in the south, and land borders of 6,774 km (4,209 mi) in total: 2,430 km (1,510 mi) with Afghanistan; 523 km (325 mi) with China; 2,912 km (1,809 mi) with India; and 909 km (565 mi) with the Islamic Republic of Iran (CIA, 2014c). Estimated population is 196,174,380 as of July 2014 (ibid.).

Pakistan is a federation of four provinces: Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan, as well as the Islamabad Capital Territory and the FATA in the northwest, which include the Frontier Regions. The Government of Pakistan exercises de facto jurisdiction over the western parts of the disputed Kashmir region, organized into the separate political entities of Azad Kashmir and Gilgit–Baltistan (formerly Northern Areas). The Gilgit–Baltistan Empowerment and Self-Governance Order of 2009 assigned a province-like status to the latter, giving it self-government.

The modern State of Pakistan was established on 14 August 1947, in the eastern and north-western regions of British India, where there was a Muslim majority. It comprised the provinces of Balochistan, East Bengal, the North-West Frontier Province, West Punjab and Sindh. The partition of the Punjab and Bengal provinces led to communal riots across India and Pakistan; millions of Muslims moved to Pakistan and millions of Hindus and Sikhs moved to India (Rubinstein, 2007). Further large-scale refugee movements took place during the war between East Pakistan (now Bangladesh) and West Pakistan in 1971, with large numbers of East Bengalis taking refuge in India.

The Soviet invasion and occupation of Afghanistan in 1979 that lasted for 10 years led to further displacement of refugees to Pakistan and the establishment of long-term refugee camps in the north-west region of the country. After the departure of Soviet troops, civil unrest continued to plague Afghanistan and the rise and fall of the Taliban regime, coupled with the military intervention of the Western allies, has meant that migration across the north-west borders has ebbed and flowed ever since.

### 2.3.1. Situational context analysis on exposure and vulnerability to potential migration crisis scenarios

#### 2.3.1.1. Socioeconomic context of migration

This section outlines the factors influencing migration flow to and from Pakistan to gain insight into how they may change in future, what factors may influence changes and where large-scale migrant movements may emanate from. The socioeconomic context of migration to and from Pakistan has been covered in detail in various reports over the years, the most recent being the 2014 ICMPD publication *Pakistan Migration Country Report*, which consolidated and updated a large volume of open source materials. A brief synopsis of the report is covered in the succeeding discussion.



Pakistan has traditionally been a source country for migration, principally driven by the desire for economic and, to an extent, social improvement. Such has been the scale of labour migration that a legal and administrative framework has evolved to regulate and control it, which includes the Emigration Ordinance and Rules 1979 and the creation of the Ministry of Overseas Pakistanis to protect the rights of migrants. The export of manpower was further promoted by the creation of the Ministry of Human Resource Development in 2012. It is easy to appreciate why migration is encouraged and regulated in this manner when taking into account the fact that financial remittances from abroad have steadily increased, even during the global recession of the last few years, from USD 3.87 billion in 2004 to USD 13.18 billion in 2012 (State Bank of Pakistan, 2014).

According to the Ministry of Overseas Pakistanis, by the end of 2008 there were 5.5 million Pakistanis living abroad which, by 2010, had increased to 6.3 million. The principal region of destination is the Middle East, with Saudi Arabia attracting the most Pakistani migrants, followed by the United Arab Emirates, Oman, Kuwait, Qatar and Bahrain, which together account for 43 per cent of the total. The EU, without the United Kingdom, attracted less than 10 per cent; and the United States, Canada and the United Kingdom accounted for most of the rest. It was estimated in 2012 that approximately 8 per cent of Pakistan's labour force was based abroad. Against the figures for legal migrants are ranged estimates of illegal migrants using unofficial channels, including human smuggling and trafficking networks, of 300,000 annually (Colombo Process, 2014). To complete the picture for migration by Pakistanis, it is estimated that there are 32,000 Pakistani refugees worldwide, with Canada, the United States and the United Kingdom being the main destinations.

Three sectors mainly contribute to the country's GDP: agriculture, 25.3 per cent; industry, 21.6 per cent; and services, 53.1 per cent (ibid.). The prognosis for the Pakistan economy would appear to be continuing low growth and low income. This situation will continue to encourage Pakistanis, particularly the young, to seek employment abroad, but the question remains as to whether it has discouraged or will discourage inward migration, particularly large-scale movements in the face of crisis situations in neighbouring countries. While admittedly only a crude economic indicator, the considerably lower GDP of Afghanistan compared with those of Pakistan and the Islamic Republic of Iran would indicate economic benefits to migration from there. Other factors affecting the Afghan issue include the fluctuating security situation linked to regime change and the nature of the border. Local communities straddle the border and come from the same tribes, so official delineation is not regarded as a barrier to social and cultural interaction either by migrants or, at least to some extent, the border authorities themselves. The UNHCR report *Research Study on Cross-border Population Movements between Afghanistan and Pakistan* recorded that:

*Members of non-Pashtun ethnic groups, especially Hazara Afghans, are more frequently checked and stopped at the border. Pashtuns, however, fall largely outside of this scope of control. In an effort not to discourage the back and forth movement of populations with strong links in both countries, border police officials do not control Pashtun Afghans. Members of our team, themselves Pashtun, simply tested this by crossing the border without showing any papers. (Altai Consulting, 2009:6)*

The same study identified that just under half of migrants using BCP in the FATA had homes and a network of family and friends on both sides of the border.

### 2.3.1.2. Migration patterns and dynamics

Pakistan has attracted significant numbers of immigrants since independence and, indeed, the formation of the country was marked by a large population shift to and from India. Even before East Pakistan ceded from West Pakistan in 1971, people in search of economic opportunity were heading from east to west and vice versa. After the emergence of Bangladesh as a sovereign State, some non-Bengali Muslims – known as Biharis – elected to keep their Pakistani nationality and demanded repatriation to West Pakistan. Their status still remains uncertain and the issue is



yet to be resolved. An estimated 250,000–300,000 Biharis live in 70 camps in 13 regions across Bangladesh and an equal number have acquired Bangladeshi citizenship. In 1990, a small number of Biharis were allowed to migrate to Pakistan, but the Government has since made clear that as the successor state of East Pakistan, Bangladesh should accept the Biharis as full citizens (Minority Rights Group International, 2008). Bangladeshi migration to Pakistan is by no means confined to Biharis, and it has continued steadily since 1971 and now forms the second largest immigrant group in Pakistan, with most estimates putting the overall figure at over 1,000,000, mostly in Karachi.

A significant number of Muslims from the state of Rakhine in Myanmar, known as Rohingyas, started arriving in Karachi in the 1980s to escape the military regime in Myanmar and are now thought to number around 200,000, but again, estimates tend to include irregular migrants, which can be only be a best guess. Because of the shared border between Bangladesh and Myanmar, the Rohingya and Bangladeshi communities have cultural and religious similarities and are usually found living side by side. The land routes west to Pakistan are susceptible to control by human smugglers and traffickers, and there are a substantial amount of source material to confirm that Burmese and Bangladeshis are exploited by these criminals for forced or unfair labour, prostitution and begging.<sup>16</sup>

Other migrant groups include a significant number of Indians and much smaller numbers from the Islamic Republic of Iran and Middle East countries such as Iraq, many of whom are thought to be awaiting resettlement in Western countries. Rising numbers of Chinese have also been recorded and although in the past there have been low levels of migration by Chinese Muslims, among an estimated total of 10,000, there are now thought to be 3,000 Chinese engineers in the region working on joint projects in Pakistan. In total, the immigrant population in Pakistan is thought to total around 4.3 million, or 2.3 per cent of the population (UNDESA, 2013).

By far, the largest migrant community is, however, Afghans who have presented the most significant challenges for humanitarian border management over the years, as they have tended to arrive in large waves. UNHCR estimates that Pakistan is hosting 1.7 million registered Afghan refugees, which is one of the largest refugee populations in the world (UNHCR, 2012c). Additionally, there are thought to be approximately 1 million living there illegally. The IOM working paper “Transition, Crisis and Mobility in Afghanistan: Rhetoric and Reality” draws on UNHCR statistics to chronicle the flow of Afghan migration over the past 36 years and clearly shows the link to crisis and unrest in the country:

*There have been waves of refugee flows and returns from and back to Afghanistan since the Communist coup in April 1978, broadly paralleling the phases of conflict in that country. At their peak in the mid- to late-1990s, there were over six million Afghan refugees, mainly in neighbouring Iran and Pakistan. According to the UNHCR there are currently more than 2.4 million Afghan refugees in exile in Iran and Pakistan.*

*At the same time, there has been very considerable repatriation of Afghan refugees. Two main waves of repatriation can be identified in the last 20 years or so, with ad hoc and intermittent trickle movements occurring throughout. Almost three million refugees returned to Afghanistan between 1992 and 1993 following the capture of Kabul by the Mujahideen. An estimated 5.7 million Afghans have returned in a second major wave after 2002, following the fall of the Taliban government. But the repatriation of Afghans has declined fairly steadily over the last five years or so numbering about 68,000 in 2011 and 94,556 in 2012. According to UNHCR, by the end of November 2013, 37,749 Afghans had repatriated voluntarily – a 54 per cent reduction on the same period in the previous year. (Koser, 2014:10)*

<sup>16</sup> See, for example: Central Intelligence Agency, Field listing: Trafficking in persons (2014). Available from [www.cia.gov/library/publications/the-world-factbook/fields/2196.html](http://www.cia.gov/library/publications/the-world-factbook/fields/2196.html).

The other main migrant groups in Pakistan – Bangladeshis, Burmese and Indians – are largely permanent communities established over many years and have made the country their home. They continue to grow from low-level immigration, mainly due to economic and also social reasons (i.e. to be with their families). Afghans, on the other hand, primarily because of the shared culture, family structure, employment opportunities and ease of movement through the porous land border, appear to be predominantly more transient. The 2009 UNHCR report previously quoted recorded further observations based on interviews with Afghans crossing the Torkham and Chaman BCPs on the north-west border of Pakistan:

- It was found that 75.3 per cent were single men travelling alone, without their families and 81.2 per cent were travelling without any travel papers (Altai Consulting, 2009:35).
- Of all travellers, 81.3 per cent were going back and forth to Afghanistan on a regular basis, with 35.9 per cent crossing the border every three months. Only 13.3 per cent were entering Pakistan for the first time (ibid.:3).
- There were 89.5 per cent who had spent or were planning to spend less than one year in Pakistan (ibid.).
- Only 19.7 per cent of respondents had their permanent residence in Pakistan, with frequent travels back to their country of origin (ibid.).
- Reasons for travel to Afghanistan were: visits to family and friends (46.6%); work (34.1%); checking on land and property (11.5%) and business visits (6.3%) (ibid.).

While acknowledging that the UNHCR survey took place nearly five years ago, given that this pattern of migration has developed over a period of 35 years, there is no reason to suppose that the core motivation of Afghani migrants will have significantly changed.

### 2.3.1.3. Risk analysis of border points vulnerable to potential migration crisis

According to Federal Investigation Agency (FIA) sources, there are 26 official BCPs in Pakistan (ICMPD, 2014b). These are:

- Airports:
  - Islamabad
  - Lahore
  - Karachi
  - Peshawar
  - Quetta
  - Pasni
  - Turbat
  - Faisalabad
  - Multan
  - Sialkot
  - Gawadar
  - D.G. Khan (Punjab)
  - R.Y. Khan (Punjab)
  - D.I. Khan (Khyber Pakhtunkhwa)
- Land routes:
  - Wagah border (India)
  - Wagah railway station (India)
  - Khokaropar railway station (India)
  - Taftan (Islamic Republic of Iran)
  - Chaman (Afghanistan)
  - Torkham (Afghanistan)
  - Sust (China)
  - BP 250 (Islamic Republic of Iran)

- Sea ports:
  - Karachi
  - Ghass Bandar
  - Port Muhammad Bin Qasim
  - Gawadar

Analysis of the general vulnerability of official BCPs in Pakistan is essential to integrated border management, and susceptibility to large-scale migration movement is an important composite of integrated border management to include the specialized concept of humanitarian border management. Analysis will need to be conducted based on individual assessments of the BCPs, but the extent to which this is required is covered by certain general principles, primarily according to type – airport, sea port and land route.

## Airports

Statistics on airport arrivals in Pakistan by nationality are not readily available through open sources, so it is not possible to assess whether air BCPs have been subjected to significant crisis migrant movement in the past. However, if figures have been recorded, they should be used to inform risk assessments.

## Sea ports

There is no open source evidence that Pakistan has encountered large-scale movements by sea, either through official BCPs or unauthorized landings. In 2007, it was not perceived as a problem by the Pakistani authorities, as is clear from the IOM Pakistan’s migration management assessment, which stated that:

*There are three international seaports (Karachi, Ghass Bandar and Bin Qasim), but maritime traffic is limited to cargo vessels – information from the Pakistani authorities is that “these ports are only used for trade purposes” and that there are “no passenger boats or ships for the general public to sail to or from”. Ghass Bandar, which is located in Karachi, is used to receive Pakistani nationals being returned or deported back to Pakistan by boat, generally from the Middle East. (IOM, 2007:17)*

However, the possibility of a small number of migrants arriving cannot be discounted, especially Bangladeshis and Burmese who have been encountered using sea routes to migrate to parts of South-East Asia and beyond (U.S. Department of State, 2013). If up-to-date official figures are available, they would be the starting point for risk assessment, as would evidence gathered from migrant communities around Karachi and the coastal ports to ascertain whether undetected landings are being made, which may be a precursor of larger-scale problems in the future.



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## Land routes

As previously stated, mass migration during crisis has occurred from Afghanistan to Pakistan across land borders on an epic scale, although a substantial number of migrants have also returned as emergencies have subsided. Historical lessons have been learned in Pakistan and management of Afghan migration has improved over the years through the use of technology to register and record migrants, the involvement of national and international organizations and aid agencies, and international support to the Afghan Government to help mitigate instability.

Indisputably, the border currently most vulnerable is with Afghanistan, with the official border crossings of Torkham in the east and Chaman/Spin Boldak in the south taking the brunt of any mass movement. This assertion is acknowledged by both Pakistani and Afghan authorities. While there are many other crossing routes through the mountains, including four into Chitral in the north, they include footpaths and as such, do not provide the ease of travel offered by the official crossings. Most are impassable in winter. Provided that Torkham and Chaman remain open and accessible, it is logical to concentrate humanitarian border management contingency plans and support structures in these two locations.

Research carried out for the IOM report on mobility in Afghanistan indicated that informed sources do not expect mass migration flows into Pakistan in the wake of the elections, summed up as follows:

*It is suggested in a recent STATT analysis that at least three conditions would need to be met in order to prompt large-scale movements across the borders. First, the current intermittent clashes would have to turn into longer-term fighting with the use of higher-capacity weapons over a larger sway of land and civilians would have to be “caught in the cross-fire” with large-scale human rights violations. Second, if the fighting blocked vital roads towards the centre of the country or affected urban areas, this might push populations outwards towards border areas. Third, the governments of neighbouring countries would have to be willing to accept new refugee flows. (Koser, 2014:18)*

The IOM report further observes that Pakistan’s own Pashtuns are moving away from Khyber Pakhtunkhwa and the FATA because of insecurity, and these are the places that traditionally have absorbed largely Pashtun Afghan migrant and refugee populations (ibid.).

The borders of Pakistan with the Islamic Republic of Iran, India and China are not considered to be under threat from mass migration flows, as the relatively stable political situations in these countries do not suggest the possibility or expectation of internal civil unrest or conflict. The economies of India and China are buoyant, although the Islamic Republic of Iran has suffered from international sanctions and seen a decline in GDP over the last couple of years. However, there is an ongoing conflict between Baloch nationalists and the Government of Pakistan and the Government of the Islamic Republic of Iran over Balochistan, a region which includes the Balochistan province in south-western Pakistan and the Sistan-Baluchestan province of south-eastern Islamic Republic of Iran.<sup>17</sup> Issues range from human rights abuses, greater autonomy, increased royalties from natural resources and provincial revenue, and in some cases, full secession. Militancy has increased over recent years, but insurgents are equally active against the Pakistani and Iranian authorities.<sup>18</sup> The conflict has so far not resulted in cross-border flows of migrants and there is no current indication that it is likely to be so. Should the situation change

<sup>17</sup> For more information, see: N. Dashti, *The Baloch and Balochistan: A Historical Account from the Beginning to the Fall of the Baloch State* (Victoria, BC, Trafford Publishing, 2012).

<sup>18</sup> For example, see: A. Bansal, Factors leading to insurgency in Balochistan. *Small Wars and Insurgencies*, 19(2):182–200 (2008).

or other unforeseen crises occur, the only official land crossing point is at Taftan, which would inevitably be vulnerable, particularly as the Islamic Republic of Iran is in the process of fencing its 1,700 km borders with Pakistan and Afghanistan, which is due for completion next year. Although there is still evidence of significant irregular migration across the border, mainly from Pakistan to the Islamic Republic of Iran, this is considered to be part of the west route taken by economic migrants, rather than into Pakistan.

There are currently two land crossing points between India and Pakistan, located at Wagah and the Wagah railway station. Approximately 1,861 km of the border are fenced and floodlit, including 550 km of the line of control in Kashmir. It is difficult to envisage a crisis that might provoke mass migration flows across the border.



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The single land crossing point between Pakistan and China is at Sust, some 30 or 40 km from the actual border at the top of the Khunjerab Pass, which reaches a height of 4,700 m and is closed between November and May because of snow. The chance of a collapse of internal security in China is virtually non-existent and this is not an area that has been prone to significant natural disasters in the past. Given this and the location of the route, the vulnerability of the BCP to an influx of migrants can only be judged as extremely low.

Aside from internal conflict precipitating a crisis at borders, there is the question of displacement of migrants by natural disasters which occur with alarming frequency in the region. Recent years have seen devastating floods and earthquakes in north and south-west Pakistan, which have caused large-scale casualties and displacement. However, there is little evidence that the displacement has been across borders, either from Afghanistan or the Islamic Republic of Iran. It has been prominently internal, away from the affected area or contained within it. If anything, people have a tendency to try and remain with their land and property in such emergencies, for fear of losing it and their community links. The exception may be the droughts that occur in cycles in Afghanistan, which provide additional incentive for migration to Pakistan, but research suggests that it is a gradual process as the situation deteriorates, rather than a sudden mass influx. As a consequence, it is more easily managed.

## 2.3.2. Humanitarian border management capacities for emergency situations

### 2.3.2.1. Regulatory framework

#### Policy

Research failed to reveal any clear policy statements by the Ministry of Interior or any other agency within the migration structure on dealing with mass migrant movement across borders in crisis situations. From the point of view of migration control, the policy seems to be to manage emergency migrant flows within the country through registration, rather than at BCPs, which may reflect a pragmatic acknowledgement of the difficulty of dealing with an overwhelming number of people being channeled through border posts and the porous nature of the border outside of BCPs. This policy relates primarily to Afghanistan, and is also pertinent to the way in which other migrants are processed, including those already legally and illegally in the country.

The uncertain situation regarding policy, which directly reflects on how land BCPs with Afghanistan are managed was, to some extent, clarified through dialogue with the Ministry of States and Frontier Regions (SAFRON) and the FIA during the country visit. In terms of policy at borders, the Ministry of Interior is the lead ministry because it has overall responsibility for all migration control. SAFRON is the second, as it deals with refugee issues. The Office of Chief Commissioner for Afghan Refugees develops policy on refugees and submits it to an interministerial committee composed of all the ministries and agencies in the border management structure.

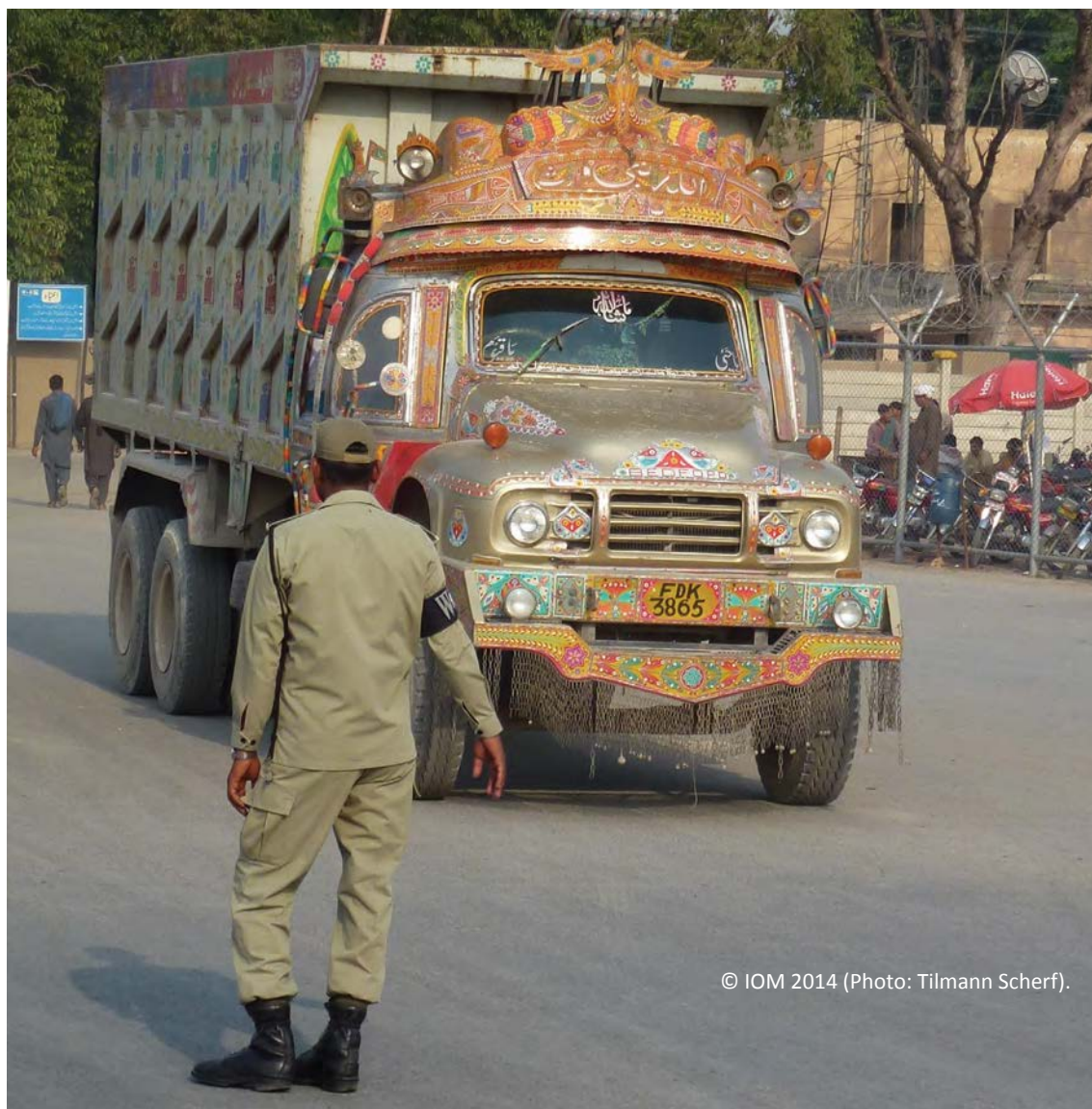
The vast majority of traffic to and from Afghanistan crosses through Torkham and Chaman, and these two BCPs are of primary, if not exclusive, concern to the Pakistan Government in terms of susceptibility to mass migration. A total of 40,000–50,000 travellers per day are estimated to cross the border through them – 20,000–25,000 through Torkham and 15,000–20,000 through Chaman. It was emphasized that these figures can only be an estimate as the crossing points are not tightly controlled, due the high concentration of border community travellers, a significant number of whom are small-time traders known to move back and forth five or six times a day and would thus be counted several times, as only a head count is conducted. Prior to the Soviet withdrawal, tribes residing on both sides of the border crossed under a system of easement rights which, although allowed them to cross freely, required them to carry personal identity cards and gave the border authorities a fair idea of who was crossing. Since the withdrawal, the requirement to carry identity documentation has not been enforced. In theory, Afghan refugees are permitted to use their Pakistan Proof of Registration (POR) cards to cross, but this would seem to be hypothetical as few, if any, travellers undergo checks from authorities. While there are 1.6 million registered refugees, there are estimated to be 1 million who are not registered and have no identity documents, although there are initiatives underway to encourage them to register.

The FIA is present at both BCPs, but only processes travellers with passports and, if required, visas. Around 500–1,000 of these travellers are processed per day and are expected to present themselves to the FIA immigration officers, while all others simply stream across when the chain delineating the border is lowered. Only those who present themselves to the FIA officers are processed through PISCES and although the system is currently sufficient to cope with them, it would be overwhelmed by larger numbers. Interestingly, while most countries would consider their land borders to be porous and at risk of clandestine penetration, the Chief Commissioner for Afghan Refugees pointed out that unmanned, unofficial crossing points between Afghanistan and Pakistan are hazardous and highly unlikely to be used in the event of emergency mass migrant movements, or even by individuals with a legal reason for crossing the border. This is because of the plethora of armed services and groups active on them. On the Afghan side are the ISAF, the Afghan security services, the Taliban and local warlords; on the Pakistan side are the Pakistan army, the Frontier Corps (FC), the Levies, the Taliban and the Al-Qaida.

It was generally acknowledged that proper border management was required at both BCPs and indeed all land BCPs, and the generally accepted policy at all levels is that management should be developed, but there is no evidence of any strategic development plan, most probably because there is no clear declaration of policy to guide planning. The perception was that the political will to regulate crossing points exists, for which input from the international community would be required. However, previous attempts at regulation by requiring that all travellers be checked by immigration officers through a BMIS (i.e. PISCES) have, at times, resulted in civil unrest.

On the subject of registration, there was a perception that consistent registration would not work since the vast majority of travellers crossed the border without documentation. The situation was further complicated by the fact that the cross-border communities were so used to unimpeded travel that any attempt at robust control would need gradual implementation and require the cooperation and consent of the border communities. A suggested solution was, in the first instance, a return to or an implementation of a mechanism somewhat similar to easement rights which had, to a limited extent, already been de facto implemented by the Afghans. The Afghans have set up informal checkpoints approximately 1 km down the road from Torkham BCP and require travellers to show identity documentation. Those who have identity documentation are allowed to proceed; those who do not have are briefly questioned and, if found to be Afghans, allowed to proceed; non-Afghans, who are mostly Pakistanis, are given a personal details form which they have to fill out and give to Pakistani authorities when they return to their country.

The possibility of modifying the Afghan initiative as a basis for returning control to the Pakistan side was raised, in particular through the establishment of a control and screening facility at some distance back from the BCP, which would eliminate possible choke points created by the border post. Photographs of Torkham show that after the BCP, the valley in which it is located



widens out considerably within a kilometer or two, and there should be ample room to establish the infrastructure to provide control facilities, such as transit sheds, screening centres and arrival control buildings sufficient to cope with even large-scale movements, although the provision of human and technical resources would no doubt prove challenging. The use of biometrics in the initial phase of development was not foreseen and the preferred option was the installation of a simple system of manual recording of nationality or tribal affiliation, home address and purpose of travel. Travellers found not to be from the border tribes would be required to get a visa before travelling in the future and refugees would be questioned about their status. The assessment team believed that minimizing delays through light-touch controls for members of border tribes would encourage acceptance of official procedures and limit the potential for opposition and confrontation.

Registration of Afghan refugees started after the first mass influx in 1979, when the former Soviet Union invaded Afghanistan. Between 1979 and late 2000, the Commissionerate for Afghan Refugees (CAR) Punjab registered Afghans arriving in Pakistan and issued identity cards known as “ration passes,” which was followed by an individual screening and registration period in the camps from August 2001 to January 2002. In 2005, a countrywide census of Afghans in Pakistan was conducted by the Government of Pakistan and UNHCR. Ration passes were replaced by POR cards, 1.7 million of which were issued between 2006 and 2007 with an initial validity period until 31 December 2009. In 2010, Pakistan’s NADRA, in collaboration with UNHCR, offered to convert the old PVC-based POR cards into Secure Cards for Afghan Citizens, which contained improved identification safeguards and whose validity was extended to the end of 2013.

At the beginning of 2014, a strategy was developed in cooperation with Afghanistan, Pakistan, the Islamic Republic of Iran and UNHCR, under which NADRA launched a project to replace existing PORs with new ones valid until the end of 2015 (UNHCR, 2014e). The process will be carried out in two phases: in the first phase, in February–June 2014, all expired cards will be replaced; in the second phase, from July to the end of the year, Pakistan will register and issue individual cards to some 150,000 children born during the past five years. Additional 330,000 Afghan children below the age of 18 will receive birth certificates for the first time (*ibid.*). The national policy on registration was approved by the Government of Pakistan in 2010 in the Afghan Management and Repatriation Strategy, covering the period 2010–2012, and at the regional level in 2011, covering 2012–2014 (UN General Assembly, 2012).

At the international level, a tripartite agreement governing the voluntary repatriation of Afghan citizens in Pakistan was signed in March 2002 by Afghanistan, Pakistan and UNHCR. This was renewed at the beginning of 2011. Since 2011, Pakistan has also been part of the quadripartite consultative process initiated together with Afghanistan, the Islamic Republic of Iran and UNHCR (ICMPD, 2014b).

In January 2002, the National Alien Registration Authority (NARA) started to register irregular migrants who entered Pakistan before 31 December 2001. Those who arrived after this date were expelled, as decided upon by NARA. Between 2002 and 2004, roughly 80,000 persons had been registered and the latest available figures indicate that by 2009 the number of registrations had increased to more than 125,000 persons (EBDM, 2009). Following the improvement in the security situation in Afghanistan post-2005-/2006, irregular migrants were reclassified by the Government of Pakistan as economic migrants rather than refugees. In January 2010, the Ministry of Interior instructed irregular migrants to either register themselves with the relevant departments or leave the country within 30 days, and although this may be the official policy, in practice, prosecutions and/or expulsion of irregular migrants is unusual. In the same year, SAFRON sought the assistance of IOM in implementing a registration programme for previously unregistered irregular Afghan migrants, as they were no longer being classified as refugees and, once registered, could be given assistance to return. The proposal, however, was not endorsed by the Cabinet and funds could not be raised. In 2013, the Government changed and the proposal was resurrected and given the go-ahead.



Voluntary returnees only used to be given transport costs by UNHCR, but numbers fell and some started coming back to Pakistan because there was no assistance to help reintegration; there was also uncertainty over what would happen over the transition period. Currently, refugees are referred by UNHCR to NADRA-run registration centres that are funded by donors, and under the project proposals, IOM will do the same for undocumented irregular migrants. The initiative has been driven by the Government of Pakistan's concerns about the economic pressure from migrants, their vulnerability to exploitation and the security threat that they may pose. A central objective of the project is to ensure compatibility so as to allow for cross-referencing between the three separate registration databases – for refugees, irregular migrants and national identity card holders. Discussions with the Afghans have been on hold until after the political transition period upon the request of the Government of Afghanistan.

Policy in relation to disaster management might be expected to include provision for mass influx of migrants and while the National Disaster Management Authority was set up in October 2007 by presidential ordinance<sup>19</sup> to take overall responsibility for disaster management, it did not specifically deal with the issue, although internally displaced persons were covered by provisions. This may be an acknowledgement that natural disasters within Pakistan do not generally involve cross-border displacement, but it could be something that the Authority may want to review in the future, as a mass influx should still invoke a multi-agency approach to an emergency, even if the event occurred outside Pakistan.

In acknowledging that policy development for dealing with mass influx is underway, specific to what may be precipitated by the current political uncertainty in Afghanistan, what has not yet been clearly defined is the central issue of the extent of the influx that would be allowed. Opinion among high-level officials with whom the assessment team met was divided, ranging from allowing refugees to enter and managing the displacement internally to encouraging the Afghan Government and the international community to deal with it in Afghanistan. This divergence of opinion highlights the need for the Government of Pakistan to make the official policy absolutely clear in its contingency planning to allow for effective planning so that a response can be formulated to prevent difficulties at the border.

## Legislation

Since the Government of Pakistan has not ratified the UN Convention on Refugees, Pakistan's federal domestic laws make no specific provision for refugees. The Foreigners Order of October 1951, promulgated pursuant to the Foreigners Act of 1946, gives civil authorities the power to grant or refuse permission to enter Pakistan at Pakistan's border. Under the Foreigners Order, foreigners not in possession of a passport or visa valid for entry to Pakistan, or those who have not been exempted from the possession of a passport or visa, can be refused to enter. There are no specific provisions for granting of entry to asylum-seekers or refugees. The primary legislation dates back to before independence and although it has been added to and amended since, it is in need of a comprehensive review, as was recommended in IOM Pakistan's migration management assessment in 2007. Refugees aside, there is also no direct provision for exempting migrants affected by war or natural disaster from passport and/or visa requirements or foreigners involved in emergency relief and aid programmes. However, Article 10 of the 1946 Act says:

*The Federal Government may by order declare that any or all of the provisions of this Act or the orders made there under shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, in or in relation to any individual foreigner or any class or description of foreigner.*

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<sup>19</sup> Ordinance No. LIII of 2007.

This would suggest that the Federal Government has discretion to modify or dispense entry requirements for whomsoever they wish and it may have been used in the past during large migrant flows. For the benefit of operational officers, it would be useful to have SOPs covering when, where and to whom this may be applied, assuming that such instructions are not already in place.

Foreigners entering and leaving Pakistan, unless exempted, are required to register their movements. The Registration of Foreigners Act 1939 and the Registration of Foreigners Rules 1966 specify the format of and procedures for registration of non-exempted foreigners. Again, there are no specific references to refugees or those without documents in crisis situations, and this legislation does not appear to be applicable to Afghans, who have a separate registration system. It is unclear what legislation relates to the registration of refugees or, specifically, Afghans.

### **Inter-agency contingency planning**

In considering existing contingency planning in the context of mass migration movements at borders, the major work on planning for emergencies appears to fall within the remit of the National Disaster Management Authority. Its efforts are primarily, if not exclusively, directed towards responding to natural disasters and while there are numerous comprehensive management plans available that cover a wide spectrum of flood and earthquake relief management, which involve different agencies, crisis management for large migration movements at borders is not currently featured.

However, it was reported that a contingency plan for dealing with large-scale displacement in Afghanistan, resulting in mass exodus, is nearing completion and will soon be submitted to an interministerial committee. The plan, which is led by the Office of Chief Commissioner for Afghan Refugees, is being developed in collaboration with the United Nations and covers various scenarios, the source document being the “United Nations Contingency Plan for the Afghanistan 2014 Situation” (UNHCR, 2014d). The ministries and agencies involved include the Ministry of Interior, the Ministry of Foreign Affairs, provincial governments of Khyber Pakhtunkhwa and Balochistan, local administration of the FATA and the intelligence agencies among other stakeholders. As would be expected, the UN contingency plan is comprehensive in defining the role and objectives of UNHCR in a humanitarian crisis on the border, but it does not carry much detail on the role of government agencies and it is, presumably, these gaps that will be filled by the Government-commissioned plan.

Although a copy of the draft plan under development by the Government could not be made available, it was said to anticipate various scenarios based on the fallout from the current Afghan elections. From the Government’s perspective, in January 2014, in advance of the elections, the worst-case scenario being contemplated was an influx of 500,000–1,000,000 refugees but, encouraged by the relatively peaceful first round of the elections, this has been downgraded to 200,000–250,000. The contingency plan also has a provision for monitoring the situation within Afghanistan and initially the Pakistan authorities were worried that widespread unrest would lead to ISAF withdrawing to Kabul, thus precipitating a breakdown in security in the provinces. This is seen as less likely now, although there is a strong feeling that the ISAF withdrawal should be very gradual. The primary role of the Pakistan security forces in the plan is to suppress Taliban activity along and within its borders, but the long insurgency has shattered the border tribal system and led to the replacement of tribal elders by warlords, making it more difficult to maintain order.

The plan also envisages a reference system at borders to facilitate subsequent registration in-country in settled areas and requires identification of registration and settlement sites. Referrals would be a simple system of providing undocumented migrants with an entry paper that they would fill out with their basic identity data administered by the FATA Secretariat, with support from the Ministry of Interior and the FIA. Asylum-seekers would be referred to secondary registration to provide humanitarian assistance for support, accommodation and other needs. The possibility

that registration data could be shared with Afghanistan was acknowledged, particularly with respect to returnees, who could be deregistered in Pakistan and the information passed to the Afghans for registration in Afghanistan. In time, greater sophistication could be introduced to the system, with the use of BMIS, biometrics and visa issuance at borders for all travellers. It was emphasized that this operational model was not an official policy for the FIA and the Ministry of Interior, and there remained some concerns about sharing of personal information of individuals across borders.

UNHCR acknowledged that it would not currently be possible to screen every returnee properly and if an influx occurred, they would employ mass registration in an enhanced form to identify those in need of protection. As a practical measure, it would also be necessary to cross-check against existing registration databases to identify previously assisted returnees and prevent re-registration by those already in Pakistan. Since 2010, border officers have been taking fingerprint scans of refugees during the registration process. Separate databases are maintained by UNHCR and NADRA. Although mobile registration equipment is available, it would be difficult to operate it at borders. While UNHCR would, in principle, fund a response to an emergency mass movement, it is not certain if it would contribute to a technical solution. Based on the fact that 67 per cent of refugees do not currently live in camps, there is an assumption that a large proportion of people in a mass movement would turn to their own communities for support.

It was made clear that the SAFRON contingency plan is being developed with the United Nations and is specific to the transition to a new government in Afghanistan after a full transfer of responsibility for security to the Afghan security forces. It was reported that there is no generic contingency plan for emergency response to mass migration in Pakistan, although the Afghan specific plan goes into detail on registration of refugees and their transport, housing, food, medical facilities and other needs, and after it has been approved by the Government, it will be made available on the Internet. It seems likely that it could be developed into a generic model when the current uncertainty recedes.

In addition, the establishment of border liaison offices sponsored by the United Nations Office on Drugs and Crime (UNODC) could possibly be featured as a platform for emergency response. These offices utilize equipment and technology that have been installed for law enforcement functions, as this extract from the UNODC website indicates:

*The inaugural meeting between members of the first UNODC sponsored inter-agency Border Liaison Office (BLO) in Pakistan was held on Tuesday, 12 April 2011, only 50 yards from the Torkham gate. Located in the Khyber Agency of Pakistan's Federally Administered Tribal Areas (FATA) bordering Nangarhar province of Afghanistan, Torkham is one of the busiest ports of entry for people and goods between Pakistan and Afghanistan. The inaugural meeting follows the opening of the facility that took place on 15 February 2011.*

*BLO Torkham is a partnership of the Frontier Corps (FC) Khyber Pakhtunkhwa, Political Administration Khyber Agency, Pakistan Customs, Federal Investigation Agency (FIA), Anti-Narcotics Force (ANF), and the National Logistics Cell (NLC). It is equipped with, inter-alia, computers, communications equipment, a Computer Based Training (CBT) centre, drug and precursor testing kits and safety equipment. A BLO on the Afghanistan side at Torkham has also been set-up. (UNODC, 2014)*

However, although the border liaison office encompasses a UNODC joint border management committee, which links both sides by satellite and mobile phones, it was reported that it was not as effective as it could be, possibly due to language difficulties between Pashtun- and Dari-speaking border officials.

## International obligations and agreements

Pakistan has not ratified the following important UN Conventions and Protocols relating to human rights:

- Convention Relating to the Status of Refugees;
- Convention Relating to the Status of Stateless Persons;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

IOM Pakistan's migration management assessment lists several international forums relating to migration activity, of which Pakistan is member:

- Asia-Pacific Consultations – Inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants;
- Issyk-Kul Dialogue – International Migration Policy Conference for Central Asia, the Caucasus and Neighbouring States;
- The Berne Initiative (a global consultative process for inter-State cooperation on migration management);
- The Regional Ministerial Conference on People Smuggling, Trafficking of Persons and Related Transnational Crime (held in Bali in 2002);
- Ministerial Consultations on Overseas Employment and Contractual Labor for Countries of Origin in Asia (started in Colombo in 2002).

(IOM, 2007)

More up-to-date information on bilateral and multinational agreements and activity is not readily available from open source research and should be followed up with the Government of Pakistan.

### 2.3.2.2. Administration

#### Structure of border crossing points



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The FIA is the law enforcement agency with responsibility for immigration control at official BCPs. Set up as mandated by the Constitution in 1974, the FIA is an autonomous body under the auspices of the Ministry of Interior. It comprises five wings – Immigration, Anti-corruption, Economic Crime, Technical and Counter-terrorism. Of a total FIA staff compliment of approximately 4,000, the Immigration Wing has 850 officers but, because of vacancies, they have only 650 in post to man 26 BCPs. Of these, only two, Torkham and Chaman BCPs, are considered to be at risk of mass migrant movements. The borders with the Islamic Republic of Iran and other neighbouring countries are not perceived to present migration problems and neither are seaports. Two official points are not manned by FIA officers at the land and rail points at Wagah, which are administered by the Pakistan Rangers, who are part of the Civil Armed Forces (CAF) and are responsible for policing the border with India. The borders with Afghanistan are supervised by provincial (principally FATA) political agents and the FC, while the FIA only has a presence at BCPs where they are responsible for the control of people with passports and, if required, visas.

The CAF structure is administered by the Ministry of Interior and various organizations within it are responsible for border security in different areas, principally outside officially designated BCPs. Apart from prevention of irregular migration, the CAF has a remit to counter smuggling of commodities and narcotics, anti-terrorism and border defense. Its powers are limited to the extent that they cannot arrest and prosecute, and any suspected offenders that they detain must be turned over to the FIA.

The CAF comprises the Pakistan Rangers on the border with India and the FC on the Iranian border in 95 per cent of Balochistan and the Afghan border in the FATA. There is also a community police force called the Levies, drawn from the local communities in Balochistan. In the FATA, the tribes patrol the border under the umbrella of the political administration and, ultimately, the Provincial Governor. Finally, the Pakistan Coast Guard patrols the sea approaches, but like the other branches of the CAF, it turns over any immigration offenders it detains to the FIA as the Coast Guard is not mandated to prosecute them (IOM, 2007).

Also present at BCPs is Customs, which follows the immigration process. In 2005, Visa Facilitation Desks were set up at the international airports of Islamabad, Karachi, Lahore, Quetta and Peshawar to issue visas to business visitors upon arrival. It was not clear from research if health or any other authorities are permanently based at BCPs.

## Humanitarian border management and other related training

Training on humanitarian border management is conducted at the FIA Academy in Islamabad, which has facilities for training 32 officers at a time. The immigration induction course lasts for two or three months and there are further layers of training for officers on promotion. No details of curriculum or available courses were available. Foreign training was welcome whenever it was offered and UNODC is currently heavily involved in this field, together with the ICMPD.

According to the FIA website, it is:

*... mandated to train and develop new entrants, as well as, mid-career officers of the FIA in addition to serving as a capacity development resource addressing the training needs of other national and provincial law enforcement agencies particularly in the areas in which FIA has comparative specialized expertise, like tackling transnational organized crime, technical and forensic investigations, and international law enforcement cooperation, etc. (FIA, 2014)*

Examples for course subjects are given as:

*One of the important training portfolios of the FIAA is to conduct basic and orientation training courses for the new entrants into the FIA – mostly ranging from Constable to*

*Assistant Directors. Nonetheless, delivering specialized training workshops on anti-corruption, financial investigation, money-laundering, international law-enforcement cooperation, and illegal emigration, is the hallmark of the training programmes, provided by the FIAA. (ibid.)*

Training on humanitarian border management is not specifically mentioned, but anti-trafficking is covered, and in the absence of a curriculum or course material, sensitive handling and protection of victims of trafficking may be included. The FIA acknowledges that training is provided by international agencies. Integrated border management workshops sponsored by UNODC for officers from Pakistan and Afghanistan has input on asylum and protection from UNHCR. There is no evidence of any recent training needs analysis and it would therefore be prudent to conduct a review of the current curriculum and courses to ensure that they include provision for training on humanitarian aspects of control.

### **Inter-agency cooperation and oversight mechanisms**

Areas of cooperation are identified in ICMPD's *Pakistan Migration Country Report*. Although the areas of cooperation do not relate specifically to management of crisis migration flows, this is an indication that interaction between agencies is acknowledged as an essential element of migration management in general. The report states:

*The Ministry of Interior set up a Migration Management Cell to prepare a national database on human trafficking and for creating linkages between various ministries concerned. The ministry aims to develop linkages between the Ministries of Interior, Labor and Manpower, Overseas Pakistanis and Human Resource Development, Foreign Affairs, Information and Broadcasting, as well as different agencies of the Ministry of Interior, including Federal Investigation Agency (FIA), the National Database and Registration Authority (NADRA), Passport and Immigration, and Civil Armed Forces. Furthermore, it would also create linkages to provincial governments and departments including home, police, labour, prosecution, social welfare and transportation departments. (ICMPD, 2014b:50)*

The Migration Management Cell would appear to be an appropriate body to coordinate crisis response to migration emergencies in that, if it is working as intended, it has established links to a significant number of agencies that would be required for an emergency response structure. As a single coordinating agency, it would also be well placed to operate oversight mechanisms, although it is not clear whether the Cell is already vested with the actual capacities to carry out such tasks of serious operational nature without substantial future capacity-building. Moreover, Inter-agency Task Forces were set up in 2010, consisting of the law enforcement agencies involved in border policing, anti-trafficking and narcotics control, which would presumably have an important part to play in crisis migration management.

Examples of cooperation between national and international organizations and agencies include:

- The Refugee-Affected and Hosting Areas (RAHA) Programme supported by UNHCR and UNDP for the promotion of regional stability, aimed at compensating the social, economic and environmental consequences of hosting refugees and providing peaceful co-existence between Afghan refugee communities and the local Pakistani population (2009);
- The Afghanistan Management and Repatriation Strategy for the period 2010–2012, covering the extension and replacement of POR cards, issuance of birth certificates and individual registration of already registered family members;
- The Regional Solutions Strategy for Afghan Refugees (2012–2014), involving the principal countries (Afghanistan, the Islamic Republic of Iran and Pakistan) and UNHCR;

- An Inter-Ministerial Working Group led by SAFRON to develop a road map for providing assistance and protection to Afghan refugees, including planning initiatives for the registration of undocumented Afghans (2012).  
(ibid.:49)

### 2.3.2.3. Operations

#### Standard operating procedures for emergencies

While SOPs are in common use by government agencies in Pakistan, research has not produced any indication that there has been some preparation for managing a large influx of migrants. As the agency with primacy for immigration, it would be expected that the FIA would take the lead in producing them, as they have done in other areas of their responsibility. IOM's border management assessment noted that, in 2005, operating procedures and instructions had been issued to cover:

- Standing Orders for the Handling of Deportees and Pakistanis Returning on Emergency Passports;
- Procedures to be adopted in the case of a refused entry to Pakistan;
- Standing Orders for the Job Description for Immigration Control;
- Memorandum dated 22 September 2004, from the FIA Assistant Director, Jinnah International Airport, detailing procedures to be adopted by airlines and operators and immigration staff when clearing flights.

(IOM, 2007:58)

However, the report indicated that instructions tended to be issued locally rather than from the FIA headquarters, and recommended that a comprehensive volume of SOPs be prepared and issued centrally. It appears, however, that progress has been made in various areas and a copy of the FIA SOPs for countering cybercrime is available online.<sup>20</sup> There are also references on the FIA website to SOPs on anti-trafficking although, perhaps not surprisingly, they do not appear to be available in the public domain. Also available are SOPs released by the National Disaster Management Authority on multi-agency responses to natural disasters, but the FIA or any other border control agency is not included, presumably because displacement in the wake of disasters tends to be internal. The FIA has confirmed that there is no contingency plan to deal with the mass influx of migrants.

#### Regional and international cooperation

Pakistan has not ratified two important conventions – those relating to the status of refugees and the status of Stateless persons, both of which would be relevant to crisis migrant movements, as would the also unratified supplementary protocol to the UNTOC against the smuggling of migrants by land, sea and air. However, Pakistan has ratified 36 International Labour Organization conventions relating to migration and its consequences. Also of note is its participation in a tripartite agreement with Afghanistan and UNHCR governing the voluntary repatriation of Afghan citizens in Pakistan, signed in 2002 and renewed in 2011. Since 2011, Pakistan has also been part of the quadripartite consultative process initiated together with Afghanistan, the Islamic Republic of Iran and UNHCR (ICMPD, 2014b:54).

<sup>20</sup> See: [www.nr3c.gov.pk/images/pdf/sops.pdf](http://www.nr3c.gov.pk/images/pdf/sops.pdf).

In the wider regional context, Pakistan has been one of the member States of the Colombo Process since its formation in 2003 and has actively participated in other regional consultative processes, such as Asia–EU Dialogue on Labour Migration and the Abu Dhabi Dialogue (2008). It is a member of the SAARC and is an active participant in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. In 2010, Pakistan also joined the Budapest Process as a participating State and has been playing an active role since then, in particular in activities related to the Silk Routes Region (ibid.:55).

Research failed to reveal any examples of regional or international cooperation specific to crisis migration management. There was no indication that Afghanistan had been involved in, or consulted on, the SAFRON contingency plan and consideration should be given to doing so as, like it or not, how a crisis situation is managed on the Afghanistan side of the border will have a direct effect on how it impacts on Pakistan. This is particularly relevant to the humanitarian aspect of mass movement to ensure the protection and safety of vulnerable refugees is guaranteed on both sides of the border and during crossing.

### **Risk analysis, assessment and information-sharing**

IOM Pakistan’s migration management assessment indicated in 2007 that:

*There is a real need for Pakistan to develop a migration-analysis and investigations unit capable of collecting, collating and analysing migration data; fraudulent documentation; recording and managing information in a dedicated intelligence database; preparing and disseminating reports and alerts; and conducting international liaison and intelligence exchanges with other foreign immigration and intelligence agencies. (IOM, 2007:61)*

In addition to the areas identified by the IOM review team in the paragraph above, which primarily relates to tactical intelligence, the FIA should have a migration-specific strategic intelligence capacity that will allow it to gather and analyse the information necessary to predict emerging threats of mass movements so that operational managers can deploy resources immediately to, or preferably in advance of, an impending emergency. It is unclear from research whether the FIA or any other agency involved in migration has reacted to the report recommendation and established an intelligence unit dedicated to immigration intelligence. The recommendation was made in the context of information analysis related primarily to human smuggling and trafficking, but the scope of any such unit should also include strategic assessment of vulnerability to crisis migration and other high-level immigration issues. Collection of information should be a matter of routine for all agencies in the migration sector, including immigration officers at borders, relief agencies, diplomatic missions in potential source countries and local communities at borders. The FIA reported that it now has an intelligence unit to track cases of human trafficking and smuggling, corruption and related subjects, but no further information was given. It was acknowledged, however, that there is no programme for ensuring that information is gathered at borders for intelligence purposes because of the long-stretched borders and the widely spread BCPs in the country. In view of the lack of available detail on the intelligence unit and the fact that information gathering at borders is not institutionalized, it is advisable to consider conducting an expert appraisal of structure, objectives, IT adoption and operational procedures to ensure that the unit is functioning efficiently and to its full potential.

Issues related to information-sharing and joint consultation were also highlighted in the IOM’s border management assessment, the example being the reluctance of NADRA to allow other agencies access to its registration databases and a lack of consultation with operational stakeholders, such as the FIA, when developing machine-readable visas and other technology related to processing at borders. Reports on IT interlinking with the identity management systems within the migration, law enforcement and public regulatory sectors since the assessment suggest that cooperation and technical capacity have improved considerably.



## Rapid border intervention teams and mobile assistance/training

References to rapid response/intervention teams are largely confined to natural disasters, and IOM has an ongoing project called “Preparing Rapid Response Teams at the Local and District Levels in Pakistan,” aimed at improving the ability of major cities, towns and valleys across Pakistan-administered Kashmir and the North-West Frontier Province to respond to emergencies by establishing rapid disaster preparedness and response teams. The project supports the Government of Pakistan’s Contingency Planning Process, which seeks to set up a rapid response and assessment system in earthquake-prone areas. Ultimately, the project aims to establish:

- An emergency response hotline across high-risk mountains and valleys, with trained personnel ready to respond;
- Trained groups of emergency volunteers who will be effectively equipped to respond to disasters;
- An improved government emergency infrastructure with better-prepared personnel;
- Collection and sharing of information on the status of affected communities;
- A trucking network to quickly move relief goods to target communities.

(IOM, 2014a)

The project does not appear to cover the development of rapid response teams for deployment to crisis migrant movements and is primarily directed at internal management of disaster response, in partnership with the National Disaster Management Authority. However, if border response teams do not currently exist, this initiative or a new one using expertise and lessons from it may be appropriate.

There is an absence of reference material on how resources are organized and deployed to crisis migrant movements and according to the FIA, formal planning has not been carried out. It was reported that the FIA has no contingency plans to address a mass influx because it will not be the agency to deal with it; this will fall to the political administration in the FATA and UNHCR. It may be that the SAFRON contingency plan will cover this, at least at a strategic level, but all agencies and particularly the FIA, should have an operational plan that is, or can be, interlinked under the strategic contingency plan.

## Facilitation of returns and readmissions

While Pakistan’s system for refusal of entry and deportation applies equally to all foreign nationalities, deportation and removal of irregular migrants has been sporadic and largely ineffectual, mainly due to the lack of enforcement of registration requirements and the difficulty in locating them. Return and readmission has been most pertinent to Afghan refugees as the only migrant community to have returned to their own country in significant numbers, but they are, of course, the only nationality to be displaced on a large-scale across land borders. As discussed previously, arrivals and returns have ebbed and flowed in conjunction with internal factors in Afghanistan, principally war and civil unrest. IOM’s 2014 working paper “Transition, Crisis and Mobility in Afghanistan: Rhetoric and Reality” makes the observation:

*Even recognizing that refugees sometimes return to pockets of safety in conflict zones, unsurprisingly no source consulted for this working paper envisages significant return to Afghanistan during or any time soon after the transition in 2014. As already indicated, the scale of voluntary return has been tapering off in recent years and the scale of return is expected to reduce still further during 2014 and possibly for the following years. At the same time it is worth noting that Afghanistan remains one of the top five countries of origin for IOM Assisted Voluntary Return and Reintegration (AVRR) programmes, and several EU member states are specifically tailoring AVRR programmes to Afghanistan (for example, Greece). (Koser, 2014:20)*

When large-scale, crisis-induced migration first started from Afghanistan, it is apparent that the situation quickly became chaotic and that the Pakistani authorities, in a humanitarian response, allowed virtually uncontrolled access across the border. As the numbers increased, a rudimentary system of registration was devised through ration passes. Things have moved on since then and although there are estimated to be over 1,000,000 unregistered refugees in Pakistan, 1,700,000 have been registered. Registration has been an important component in giving protection to migrants and informing readmission and repatriation to enable AVRR programmes to be effectively administered.

UNHCR had, as of 30 April 2014, 5,821 registered refugees and 6,144 asylum-seekers, with a further 6,000 cases pending (UNHCR, 2014d). The vast majority in both categories are Afghans. At the moment, UNHCR does not assume that all migrants are refugees, and anyone who applies to UNHCR for protection is screened, initially on papers by an implementing partner, to determine whether the applicant qualifies under the 51 Convention. If the papers suggest that the applicant might qualify as a refugee, the applicant is interviewed by UNHCR, and if successful, is given a plastic identity card. There is no international referral system for asylum-seekers and no one applies at the border. UNHCR maintains a presence at the Torkham BCP through contractors (referred to as implementing partners), which provide two monitors to report on asylum, protection issues, deportations, returns and unusual movements. Also in Torkham is a border liaison office set up by UNODC, to which UNHCR has access when cross-border issues arise. A further liaison office is due to open soon in Chaman. Those recognized as refugees and given protection are entitled to a USD 200 resettlement grant if they subsequently decide to voluntarily return to Afghanistan.

The CAR Punjab issued a statement in 2011 that a draft National Policy for Afghan Refugees was discussed in a meeting between the Minister for Refugees and Repatriation Afghanistan, the Minister for SAFRON Pakistan, and representatives from UNHCR Afghanistan and Pakistan. According to this statement, the repatriation of Afghan refugees is guided by the tripartite agreement initially signed by Islamabad, Kabul and UNHCR in 2003.<sup>21</sup> The proposed policy calls for the extension of the validity of the POR cards and the tripartite agreement until 31 December 2015, and emphasizes voluntary repatriation as the most preferred solution, while stating clearly that local integration is not an option (Bhutta, 2013). A number of measures to deal with and manage Afghan refugees in Pakistan have been recommended, including the proposed establishment of federal and provincial bodies for monitoring, supervision and implementation of the new draft policy (ibid.).

Various relief agencies have been actively involved in repatriation, including UNHCR and IOM. Initiatives by IOM have, for example, included individually tailored assistance such as employment referrals, training and assistance in setting up small businesses. Some 7,819 vulnerable members of communities receiving large numbers of returning migrants also benefitted from community development projects across Afghanistan.

#### **2.3.2.4. Information management**

##### **Identity and risk management, emergency passport and visa system**

Since IOM's border migration management assessment was conducted, a new system called "integrated border management system" (IBMS) has been developed in Pakistan by NADRA and deployed to BCPs commencing in 2011. The FIA is responsible for operating the IBMS, but the website shows only information on the previous system – PISCES – and does not have updated information on the new system. Rollout of the system to individual BCPs is now well advanced.

<sup>21</sup> It is estimated that since 2002, more than 3.8 million Afghan refugees have been repatriated to their home country under this agreement.

According to a report by *Dawn* on the installation of the IBMS in Torkham in August 2012, the BMIS was linked to the INTERPOL, the Passport Database, NADRA and the FIA. According to NADRA, the BMIS had been:

*. . . designed to document and store the entire process starting from visa issuance till departure and arrivals from the country thus preventing illegal human trafficking as well as illegal immigrants to flee from the country. IBMS has been equipped with the latest technologies like advance fingerprint matching, digital facial recognition system, specialized handling for different categories of travelers. (PPI, 2013)*

Meetings during the assessment visit provided an update. The IBMS was described as being similar to PISCES, which it is gradually replacing. Currently, 18 BCPs are equipped with it. The IBMS does not collect and store biometrics at the moment, but plans are in place to provide this function, hopefully by April 2015, if funding is available. It does, however, take and store photographs. The IBMS database is only for foreigners but has a built-in alert list, which also contains the names of Pakistanis and consequently Pakistan nationals are checked against it. The database is not directly connected to any other migration-related databases. It was reported that there are IBMS mobile response units to reinforce existing capacity in emergency situations.

Registration of foreigners is the responsibility of the FIA Immigration Wing and is split into three areas – Indians, diplomats and other foreigners. The FIA database is not linked to the National Database and any inquiries about foreigners have to go to the FIA via the Ministry of Interior. This database can be accessed through the IBMS as can the alert list, but the alert list is not linked to the national database either.

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All foreign nationals, with the exception of seven countries with visa abolition agreements, are required to obtain visas. Applications are generally made abroad, but there is a concession for businesspersons from selected countries to obtain them on arrival at the main international airports. The visa database is freestanding and not linked to any other databases, so data transfer is not immediate. Lists of visa recipients are sent from diplomatic missions abroad to the Directorate of Immigration and Passports and then to the FIA if any need to be “red flagged”. Police records are maintained at the provincial level, but the provincial databases are not linked nationally. There is an exit control list, which is not linked to the national database and is strictly controlled on standalone servers.

The new Pakistani Computerized National Identity Card (CNIC) has been issued. The CNIC contains 36 security features and has biometric collection capability. The date is stored at a central national database operated by NADRA. As NADRA also maintains information from a variety of other official authorities, such as the driving licensing authority, firearms licensing, passports, and the tax office, it has the capacity to cross-check information across different databases.

The NADRA database of 1.6 million Afghan refugees is also compatible with the CNIC, and the information can be cross-checked across the two databases.

The development and integration of information systems has advanced significantly since the situation was last independently reviewed in the 2007 border management assessment. The main outstanding issues revolve around biometrics and linking all the immigration systems. It seems that fingerprint collection and comparison is embedded in the registration systems and working satisfactorily, but there appears to be technical and funding issues with the IBMS which, although it is said to have the capacity to collect fingerprints, is not currently being used for that purpose. The recent deterioration in the security in the region, particularly in Iraq, has highlighted the ease with which fundamentalist insurgents appear to be moving across national borders and the threat that they pose to democratically elected governments by escalating conflict to neighbouring countries.

### Border communications systems

According to the FIA, communication between BCPs and the centre is through mobile telephone, landline, fax and email. Virtually all official BCPs can access the Internet, and it was reported that there was an internal VPN.



Communications were examined in IOM's border migration management assessment and reported as being advanced and rapidly expanding. In 2007, Pakistan had a national long distance broadband network, which provided comprehensive connectivity to all major cities, secondary towns and strategic border areas. At the time, services were provided to in excess of 240 cities and towns, and recent reports indicate that this figure now stands at least 1,100. Satellite communications were available from four Intelsat earth stations through which international telephone, telex, data and video services operate. A domestic satellite network provided reliable telecommunications links to remote areas of northern and western Pakistan.

Provision of mobile phone coverage is also widespread and the mobile telecommunications sector is seeing very large annual growth. Approximately 90 per cent of Pakistanis live within areas that have cell phone coverage, and more than half of all Pakistanis have access to a cell phone (CIA, 2014c). With 118 million mobile subscribers in March 2012, Pakistan has the highest mobile penetration rate in the South Asian region (PTA, 2012).

### **Mobile border registration/identity technologies and referral systems**

There are mobile registration vehicles owned by NADRA for deployment to remote areas to register Pakistani citizens and there would seem to be no reason why these could not be deployed to BCPs in an emergency. These mobile registration vehicles have also been used to register Afghans for POR cards. There is no information available on mobile IBMS units or if the infrastructure exists to deploy and install additional static units at BCPs in an emergency.

#### **2.3.2.5. Summary**

Pakistan, while being a significant source country for migration, has been periodically subjected to mass inward migration movements, precipitated by natural and man-made disasters, from Afghanistan. Although the official policy on refugees has fluctuated over the years, principles of humanitarian protection have been adhered to, and even for those not deemed to be refugees forced returns have been rare. Pakistan has engaged with its neighbours, principally Afghanistan and the Islamic Republic of the Islamic Republic of Iran, on migration issues. Dialogue and cooperation between these three countries is reported to be good, even if mutual agreement is not always reached.

The regular occurrence of natural disasters in Pakistan has led to the development of sophisticated disaster response and relief planning. Contingency plans are comprehensive and include SOPs. They deal with internal displacement, as there is no historical evidence of large-scale cross-border movements being precipitated by disaster within Pakistan. Moves to draw crisis migration movements into general disaster planning are underway and a border contingency plan is nearing completion. General SOPs for the border control agency, the FIA, have not yet been consolidated and tend to be issued reactively, so border contingency planning should provide an opportunity to construct a comprehensive guidance manual for humanitarian border management.

Border management in Pakistan is not easy, given the inhospitable nature of the terrain in many areas, coupled with regional tensions, especially in the FATA. The main threat from crisis migration continues to be from Afghanistan and centres on the Torkham and Chaman BCPs. Because of the high level of cross-border traffic by indigenous tribes, border control has been very relaxed. However, interviews with various government representatives have revealed an overall discontentment with the current situation and the political will to address the issue. Methods of identity management at these two BCPs are being considered, with the objective of at least identifying basic data of all cross-border travellers. Identity management within Pakistan is technologically advanced and home-developed registration systems are sophisticated and effective. The IBMS in the country was developed by Pakistan and will fully replace the preceding

PISCES in the near future. Interconnection between databases is also advanced and continues to progress. The FIA has a purpose-built training academy and while curricula were not available, it was reported that international input was welcome.

Response and deployment to natural disasters in Pakistan has been honed through experience. As willingness was revealed to build crisis management at borders into general planning, it seems likely that rapid response teams, which are currently not formalized within the migration structure, could be formed from border control officers for rapid deployment in cross-border emergencies.

# Conclusions and recommendations

The assessment revealed some very clear strengths of each of the governments in confronting emergencies and natural disasters. Humanitarian border management in response to crisis and emergency demands a proactive approach, and recommendations have been made with respect to multi-agency and cross-border contingency planning. The governments of the three countries covered in this assessment have participated in elaborate planning for national responses to disasters. Plans are documented and developed in compliance with collaborative inter-agency processes and in consultation with international organizations. Having international organizations deliver relief and assistance can help bring depth of experience in coordination.

Existing plans for dealing with disasters do not, however, cover approaches to border management before, during or after humanitarian crises, as people are moving in, out and within each State.

Border and identity management systems are a priority for all three countries, and are in various stages of development. Pakistan clearly has a well-advanced system. Afghanistan is in the midst of an ambitious work plan in identity management and registration. Iraq has a highly functioning BMIS, and development of a registration system is progressing well. For all three, registrations at remote posts, and at times of crises, can be a challenge; mobile equipment is not necessarily available. Communication between BCPs and headquarters, especially at remote posts, was identified as a concern by officials in all three countries.

SOPs for border officials are not commonly or widely used, particularly for dealing with mass movements. Given the complex nature of migration control, development of comprehensive SOPs is strongly recommended, not just for emergency situations but also for the day-to-day management of BCPs. Training on how to deal with emergencies and humanitarian crises could be improved, as could forming and training rapid response teams.

Clear policy statements on how governments would prefer to react to the most common or anticipated occurrences could be helpful. This is particularly true for movements of humanitarian workers and aid across and within national borders.

The following specific recommendations are made based on the reviews of all three countries and as such, they may apply to individual countries in full, in part or not at all.

## Improving conditions for legal migration and mobility

It is recommended that:

- The responsible ministry or agency in each country conducts a full analysis of all BCPs to assess their susceptibility to emergency mass migration movements. This would also include a mapping of existing infrastructure in the border area, human resources, and (specialized) equipment for use in both everyday and emergency situations.
- To the extent not already available, the responsible ministry or agency develops and deploys mobile equipment to BCPs in order to enable registrations and communications in emergency situations. Contingency plans should provide an inventory of equipment and its location. In the event of mass influx, the responsible agency would need to ensure the availability of an initial registration system at BCPs to collect basic identity information prior to subsequent enhanced screening in-country, with the objective that all travellers are recorded, properly examined, counted and checked against alert lists where possible. The aim should be to establish consistent, effective and humanitarian border management across the entire migration sector with systems that have the capacity to respond to and efficiently manage large-scale emergency precipitated migration movements, as well as day-to-day traffic. The objective would be that all registration databases, both for nationals and migrants, are capable of taking photographs and collecting fingerprints. They should be linked to each other to prevent fraud and criminal activity. Moreover, they should comply with international standards for data protection.
- The responsible ministry or agency establishes rapid reaction teams for deployment to emergencies at borders. The teams would consist of experienced officers who would be able to conduct rapid assessments, provide quick training or advice to border officials, and make recommendations to headquarters to further risk analysis. It is recommended that teams are preferably multi-agency but, if not, at least familiar with working with each other. This could be promoted by carrying out joint exercises on a regular basis.
- The responsible ministry or agency develops a policy relating to emergency mass movements, which makes clear whether or not border posts will remain open in the event of a crisis. If restrictions on BCP operation are imposed, the criteria applied to those crossing should be clearly spelled out in the policy and in SOPs.
- The responsible ministry or agency drafts and disseminates SOPs for border control staff to all BCPs, either for day-to-day operations or for response to emergencies. Existing operating procedures at all BCPs should be reviewed in order to assess the effectiveness of controls and compliance with relevant international conventions and protocols, from both routine management and humanitarian aspects.
- At BCPs at risk of mass influx, the responsible ministry or agency considers establishing control and screening facilities far enough back from existing BCPs to avoid bottlenecks but close enough to prevent evasion of controls.
- The responsible ministry or agency prepares a strategic plan for dealing with mass movements at the border. The plan should allocate areas of responsibility to all agencies and government bodies in the migration structure and issue clear instructions on what is required of them. On the basis of this assessment, the responsible agency should develop tactical plans and standard operating instructions for their own staff, which should be shared with other agencies. A possible model for these plans could be the contingency planning for response to disasters that is generally in place.
- Contingency plans are jointly prepared with neighbouring countries or should at least be shared with them. Contingency plans should, at the strategic level, be generic and capable of being quickly adapted to any emergency situation at individual or multiple BCPs.
- The responsible ministry or agency ensures that legislation includes provisions to define the immigration status of emergency relief workers to allow them to carry out their functions and facilitate their entry and exit without the need for a pre-entry visa. In addition, it should be ensured that legislation and policy allows for the entry and movement of relief goods.



## Preventing and counteracting irregular migration

It is recommended that:

- Facilities are available at borders to allow for checking of all travellers against alert lists and registration databases, supported by biometric capability, where communications and IT infrastructure allow.
- To an extent not already existent, the responsible ministry considers the establishment of a migration analysis and investigations unit responsible for collecting, collating and analysing migration data; fraudulent documentation; recording and managing information in a dedicated intelligence database; preparing and disseminating reports and alerts; and conducting international liaison and intelligence exchanges with other foreign immigration and intelligence agencies.
- The responsible ministry or agency ensures that training on anti-trafficking in persons and anti-human smuggling includes training on information gathering at borders to enable border officers to effectively support the intelligence development process.
- Agreements governing the return of irregular migrants reflect the need to protect human rights and allow for their readmission in a humane and dignified manner.

## Promoting international protection

It is recommended that:

- SOPs for border control staff and others in the migration structure cover humanitarian protection and procedures on how to discharge obligations under international conventions and treaties. Migrants identified at borders as being victims of trafficking or vulnerable in any other way should be referred to relevant international agencies for proper accommodation and be given nourishment as well as access to medical treatment. Referral procedures should be explicitly stated in SOPs.
- The responsible ministry or agency ensures that training curriculum for border officers includes training on asylum, protection of refugees and vulnerable migrants, and obligations under international law, as well as for induction training. In addition, it should be ensured that all recruits get consolidation training on a regular basis throughout their career. The responsible agency should provide training on humanitarian border management, which should inform border authorities about the adequate balancing between security and protection concerns at the border during a crisis. To the extent not already done, training for trainers should be developed to provide sustainability in the training structure.
- While all immigration officers should be appropriately trained, those involved in screening migrants during mass movements should receive enhanced, specialist training on anti-trafficking in persons, anti-human smuggling and protection needs of vulnerable persons. The responsible ministry or agency should give further consideration to establishing a register of suitably trained officers who can be deployed to emergency situations at short notice, including as part of the rapid response teams.
- The responsible ministry in each country in the Silk Routes Region reviews the UN conventions and protocols that they have signed and ratified to ensure proper compliance with international standards. They should consider taking steps to sign and ratify those that they have not yet officially adopted, particularly those relating to the status of refugees and Stateless persons and the protocols against trafficking in persons and human smuggling.



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International Organization for Migration  
17 route des Morillons, P.O. Box 17, 1211 Geneva 19, Switzerland



Dr Sadık Ahmet Cad. No.: 8  
Balgat, ANKARA 06100 / Turkey