

Current priorities for an EU response to the situation in Afghanistan

As European NGOs working on asylum and migration and Afghan Diaspora organisations in Europe, we are alarmed about the situation in Afghanistan and concerned above all about the security of the people of Afghanistan, both those within the country and those displaced and seeking protection in the region and beyond.

The vast majority of displaced Afghans will likely be hosted in the neighbouring countries, as has been the case over decades of displacement from Afghanistan. For reference, since 2015, over six years, 570,000 Afghans sought protection in the EU and associated countries. The majority received a protection status. In contrast, by July 2021, Iran hosted 800,000 registered refugees and up to 3 million other displaced Afghans. In Pakistan, there were 1.4 million registered refugees and up to 2 million other displaced Afghans. These figures have been increasing by the day. In addition, there are close to 5.5 million IDPs in the country.

In this context, it is crucial that the small proportion of displaced people who do arrive in Europe are given rapid access to a fair asylum procedure in line with European states' obligations under EU and international law.

We recommend the following five urgent responses for the EU and European countries.

1) Evacuation, resettlement and other safe routes to protection for Afghans

Evacuate as many as possible of the people facing immediate security risks, as quickly as possible.

This is the immediate priority, to then be followed by expansion of resettlement and complementary pathways for those most at risk and most vulnerable. A particular focus should be on women and girls and their (immediate) family members. Attention should also be paid to the situation of minorities where they are at additional and immediate risk of persecution.

Europe should continue the critical efforts to establish and implement safe and regular routes to protection, including for those who have worked for European institutions and agencies (military, diplomatic and civil society) in Afghanistan, and those at immediate risk after the Taliban takeover. Information on how to apply should be clear and procedures should be as simple as possible, taking into account that people are on the move, may have limited internet access and using mobile phones to apply, and that they may have struggled to obtain or lost their original documents on the journey.

We welcome the approach of European countries to bringing people to Europe, and the clear statement from High Representative Borrell that people cannot be abandoned and must be offered shelter in the EU. We support continued coordination by European nations to ensure this happens, and urge a wide approach covering as many as possible from at-risk groups, including journalists, human rights defenders, those who worked for the international community, those funded by but not directly employed by EU programmes, and those who were promoted by or visibly supported by international actors.

We note that family reunification is a crucial safe route to protection, and has untapped potential to be used in emergency situations. Implementing existing commitments and legal obligations on family reunion is a priority, including allowing safe routes and the necessary documentation for those seeking to apply and for those who have already been accepted. In addition, temporary programmes with a widened scope of family definitions to include more family members and an easing of evidential requirements (such as provision of documents that may be impossible to acquire) should all be considered. Similarly, complementary pathways, such as private sponsorship, student scholarships and humanitarian visa programmes should be rapidly expanded, especially given the willingness of communities, institutions and organisations to support Afghans.

2) Humanitarian assistance

Scale up provision of humanitarian assistance.

In line with calls from international organisations and humanitarian actors in the region, it is necessary to rapidly scale up coordinated humanitarian assistance to Afghanistan itself, via independent humanitarian organisations still able to operate, and to the neighbouring countries via all relevant actors. Preserving access for humanitarian actors should be incorporated into international negotiations and international responses. In particular, critical services for women and girls must continue to be delivered, and this requires female aid workers who are able to access communities and create safe spaces for women and girls.

It should be noted, however, that humanitarian assistance in the region is not a substitute for Europe offering protection in line with EU and international obligations. Nor is it a means to deter those who are vulnerable and at risk from pursuing a safe route to protection.

3) Re-establish security for the people of Afghanistan.

Use the EU's Common Foreign and Security Policy (CFSP) and other EU external action, including diplomatic efforts, civilian crisis management, sanctions and other operational tools, to support security for Afghans and international peace negotiations.

The EU should support engagement of all relevant international actors, including those supporting proxies in Afghanistan and with interests there, in efforts to stabilise the situation. Dialogue with all relevant actors in Afghanistan when it is in the interests of the people of Afghanistan is important. However, apart from humanitarian assistance, all other forms of cooperation with any potential future government should be conditional on respect for the fundamental rights of all Afghans, in line with the international obligations of Afghanistan and of the EU. It also has to be ensured that potential sanctions do not negatively affect the ability to provide humanitarian aid.

The objective of EU foreign and security support and operations should be the security of Afghans and protection of civilians in the short-term and peace in the long-term for the people of Afghanistan. This should be prioritised over counter-terrorism, anti-migration or otherwise narrowly defined European interests.

When the immediate crisis has abated, a thorough evaluation of the EU's role in the international efforts in Afghanistan must also take place, in order to inform future Common Security and Defence Policy (CSDP) and wider CFSP actions. The current situation is a test for the European External Action Service and it should lead Europe's response.

4) Access to asylum in Europe

Ensure rapid access to fair asylum procedure; preparations should be made in Europe now.

European countries must provide rapid access to fair asylum procedures for the small proportion of displaced Afghans who seek protection here. EU and international obligations to offer protection to those in need should be respected. The practice of pushbacks and collective expulsions of Afghans (and other nationalities) at European borders must stop. Even before the significant deterioration of the security situation, the majority of Afghans arriving in Europe received a protection status. In addition, the likely number of arrivals is manageable. Resources and attention should focus on preparations, such as ensuring that asylum systems are functioning including with adequate reception space – as they should be in any case.

Examination of cases already in asylum systems must take into account the reality on the ground and re-examination of decided asylum cases should take place, given the dramatic changes in the situation in country. We strongly support the initiatives already taken by some

Member States in this regard but express dismay that some countries have frozen decision-making in open cases.

We condemn the insular approach of certain European politicians who seek to make the situation about “us”, Europe, and the small impact that will be had here, rather than keeping the focus on the security and humanitarian needs of Afghans. We further condemn the use of the situation to stoke panic and fear about people seeking protection, as is their right. It is particularly self-serving to instrumentalise the situation in Afghanistan to pursue pre-existing proposals to prevent or reduce access to protection in Europe.

Fear-mongering about the small proportion of the displaced who may arrive in Europe:

- creates insecurity for Afghans in Europe and elsewhere;
- legitimises and encourages border closures, including outside Europe, that prevent people fleeing to safety;
- is highly counter-productive. Europe needs to do its fair share in supporting displaced people. Otherwise the neighbouring countries will no longer be willing or able to host the vast majority of those displaced from Afghanistan.

We wish to underline that the EU, Turkey and countries neighbouring Afghanistan should all offer protection to Afghans fleeing from Afghanistan, hosting those in need in safety and dignity. However, Turkey, already the largest refugee hosting country in the world, cannot be considered a safe country of asylum for Afghans; there is no possible legal argument that can be advanced to support such a claim. Ongoing efforts to persuade Turkey to take on additional responsibilities are misguided and are out of step with responsibility sharing committed to by EU Member States in the Global Compact on Refugees.

Any efforts to close borders and forcibly prevent the movement of displaced people undermine the global protection system and directly contribute to serious harm to people seeking protection. Ultimately, protection in other regions, including in the countries neighbouring Afghanistan is dependent on the EU taking on a fair sharing of responsibility for displaced people, given that the willingness of other countries to host displaced people will be eroded if Europe aims to prevent all arrivals.

5) Suspending deportations to Afghanistan

Halt deportations to Afghanistan.

It was not safe to deport people to Afghanistan before the Taliban takeover; now it is certainly not the case and courts will – rightly – halt deportations. Asylum and other cases where human rights concerns preclude deportation need to be reviewed in light of current developments. It can be assumed that the majority will meet the criteria for international protection. Alternatives to deportation and related detention need to be considered, including providing legal statuses and the right to remain; decision-making should not be put on hold.

Signatories

#DiasporaVote!
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Africa Solidarity Centre Ireland
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AsyLex
Asylrättscentrum – Swedish Refugee Law Center
Bureau for Rights-Based Development (BRD)-Sverige
Center my Right for Supporting Rights and Freedoms - Geneva
Centre for Peace Studies
Child Circle
CIRÉ (Coordination et Initiatives pour Réfugiés et Étrangers)
Conselho Português para os Refugiados – CPR (Portuguese Refugee Council)
Defence for Children International Greece
Donate and Educate Foundation
Donate and Educate girls
Dutch Council for Refugees
Eurodiakonia
European Council on Refugees and Exiles (ECRE)
European Evangelical Alliance
European Lawyers in Lesvos (ELIL)
Forum réfugiés-Cosi
France terre d'asile
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Irish Refugee Council
JRS Europe
Kids in Need of Defense (KIND)
Lesvos Solidarity
Ligue des droits humains (Human Rights League, Belgium)
Mosaico-azioni per i rifugiati
New Women Connectors
NOAS
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