



Refugee Council
of Australia

3 November 2023

The Hon. Anthony Albanese MP
Prime Minister
Parliament House
Canberra ACT 2600

Senator the Hon. Penny Wong
Minister for Foreign Affairs

Dear Prime Minister and Minister,

Re: Forced expulsion of Afghan refugees from Pakistan

As the peak body for organisations working with refugees in Australia, we are writing to draw attention to the situation of Afghan refugees who are living in Pakistan and facing imminent deportation. We ask that the Australian Government urgently engage with the Pakistani Government to stop the forced return of Afghan refugees and regularise their legal status. In addition, we ask that the Australian Government prioritise the processing of visas to Afghan nationals who are in Pakistan and whose visas to stay there have expired.

The Refugee Council of Australia is alarmed by reports of the Pakistani Government ordering the forcible and violent deportation of Afghan refugees. A crackdown order for all “undocumented” Afghans, an estimated 1.7 million people, to leave Pakistan by 1 November 2023, has put Afghan lives and livelihoods at risk. Many Afghans who are at risk of deportation are awaiting resettlement. Afghans are facing increased harassment by police, being detained illegally, their homes are being confiscated and demolished, their businesses are being dismantled, and they are being forced to cross the border to Afghanistan. One forcible border crossing is reported to have caused the deaths of two people and injured 25 people, when a trailer truck overturned with five Afghan families onboard.

This is a significant escalation in the structural violence faced by Afghan refugees who sought refuge in Pakistan following the Taliban’s takeover of Afghanistan in August 2021. A significant number of them entered Pakistan with valid visas and applied for resettlement to other countries. Now they are in limbo. Their visas have expired, they cannot return to Afghanistan and they are still waiting for resettlement. Because of this, Afghan refugees are experiencing prolonged uncertainty without legal status and/or documentation. Landlords refuse to rent houses to them, they cannot open bank accounts, cannot acquire SIM cards, cannot receive medical treatment at government hospitals, and they are constantly at risk of arrest under the Pakistan Foreigners Act. Afghans in Pakistan who have protested their living conditions have been arrested and are in danger of deportation.

The imminent forced deportation of Australian visa applicants has caused distress to the Afghan diaspora in Australia. In particular, we are hearing from Afghan-Australian sponsors whose spouses and children are residing in Pakistan and waiting for outcomes on their applications for the Community Sponsorship Program (CSP), Humanitarian visas and Partner visas. Many crossed the border into Pakistan in August 2021, are not registered with UNHCR and are considered “undocumented”. As they need to travel to Islamabad for biometric examinations associated with their visa applications, they face an increased risk of being caught by Pakistani authorities and

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is the national umbrella body
for refugees, people seeking asylum
and the organisations and individuals
who support them • Founded 1981

deported. Australian CSP and Humanitarian visa applicants are of particular concern as they face death if they are deported to Afghanistan because they fled due to direct threats to their lives made by the Taliban.

The order has also impacted Afghan refugees who have been living in Pakistan for two or three generations and still experience prolonged legal uncertainty. Without legislation for the protection of refugees and no established refugee status determination procedures, even Afghans born in Pakistan are vulnerable to eviction from their homes, arrest and deportation.

The United Nations High Commissioner for Human Rights has warned that Pakistan's expulsion of refugees risks triggering a "human rights catastrophe", and has expressed concern that those who are deported to Afghanistan, particularly women and girls, will face human rights violations including torture, discrimination, arbitrary arrest and detention, and lack of access to basic needs. Amnesty International has also said that forcing Afghans to return when they may face serious risks of human rights abuses would be a violation of the principle of non-refoulement, which is non-derogable under international law.

The Australian Government must also join the calls urging the Pakistani Government to abide by its fundamental non-refoulement and human rights obligations. The Refugee Council of Australia calls on the Australian Government to:

1. Use diplomatic pressure to urge the Pakistani Government to stop the forced return of Afghan refugees; provide Afghan refugees with a means of regularising their legal status and accessing basic services without discrimination; and provide exit permits to people who have resettlement pathways but who are currently in Pakistan without legal status.
2. Prioritise the processing of visas including on-hand Refugee and Humanitarian visas and Family visas to Afghan nationals who are in Pakistan, particularly for those whose Pakistani visas have expired.

We encourage the Government to continue its constructive engagement with members of the Afghan diaspora in Australia and welcome every opportunity to discuss the points raised in this letter.

Yours faithfully,



Paul Power
Chief Executive Officer
Refugee Council of Australia

cc. Hon Clare O'Neil MP, Minister for Home Affairs
Hon. Andrew Giles MP, Minister for Immigration, Citizenship and Multicultural Affairs