



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Possibility of relocation within Afghanistan for those who fear the Taliban

Possibility of relocation within Afghanistan for those who fear the organised criminal gangs and Mafia

Possibility of relocation within Afghanistan for those who fear the government

A report on asylum seekers from Afghanistan from the *UNHCR*, in a section titled 6. Internal flight/relocation alternative, states:

“It is particularly important to note that the operational capacity of the Taleban (including the Haqqani network), the Hezb-e Eslami (Gulbuddin) and other armed groups in Kabul, are not only evidenced by high-profile attacks, such as suicide bombings, but also through more permanent infiltration in some neighbourhoods and the regular distribution of threatening “night-letters”. In addition, the above mentioned groups have, at the time of writing, regrouped and taken control of large areas of the districts of Surobi, Khak-e Jabar, Musayee, Chahar Asyab and Paghman around Kabul, where Government officials do not travel without armed escorts.²⁸⁸ In the context of Afghanistan, determining the agents of persecution is a complex task. In many cases, the agents of persecution, particularly criminal groups,²⁸⁹ irregular or paramilitary outfits or illegal militias, but not excluding the Taleban and the Hezb-e Eslami (Gulbuddin), will have some connection to State actors at the local and national level. In these circumstances, the geographical extent of the threat maybe extended by such relations between non-State agents of persecution and State actors. The inability or unwillingness of the State to otherwise provide protection further diminishes any possibility of an internal flight alternative.” (UN High Commissioner for Refugees (July 2009) *Afghanistan: “UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan”*)

In a section titled “Persons connected with Taliban” (section 6.7) A *Danish Immigration Service* report on a 2004 fact-finding mission refers to comments from the UNHCR as follows:

“The UNHCR explained that it is most likely, that some of the people who earlier supported the Taliban are now living in Kabul and other areas without having difficulties with the existing people in power. However the UNHCR pointed out that people who are known for having supported the Taliban run the risk of receiving serious threats if they return to the areas of Faryab, Badghis, Bamian and Ghazni in northern, north western and central Afghanistan. The source explained that a number of the acts of revenge related to the conflicts that aroused during the Taliban period is being carried out. The source new of

episodes where the local population had imposed certain conditions towards a refugee wishing to return, whom they believed had committed human rights violations. The source said in this context, that the battle of the coalition forces in southern and southeastern Afghanistan is directed against high profile Taliban members and Al-Qaeda members. In relation to this, the source did not know of highly profiled Taliban members who had returned to Afghanistan.” (Danish Immigration Service (2 December 2004) *The political conditions, the security and human rights situation in Afghanistan*, pp.56-57)

This report also refers to information provided by the United Nations Assistance Mission to Afghanistan (UNAMA), stating:

“The UNAMA found that the situation for former members of the Taliban is complex. The questions, as to whether a former member will have problems in Afghanistan today depends on whether the person concerned has a solid network, and is in a position to persuade that he has changed side to the people in power. An international NGO mentioned that people who formerly worked for the Taliban can have problems in Afghanistan today, but that the extent of the problems depends on how highly placed the person was. The Norwegian Chargé d’Affaires pointed out that not all Taliban supporters committed crimes. The source was of the opinion that many ordinary people choose to join the Taliban just in order to get a job and are therefore not necessarily guilty of human rights abuses. The source found that at the present time there is very little persecution going on of the Taliban supporters. They have adapted to the society and have no problems solely because they are former members of the Taliban.” (ibid, p.57)

In a section titled “Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons” the most recent *United States Department of State* country report on Afghanistan states:

“The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night.” (United States Department of State (25 February 2009) *2008 Human Rights Report: Afghanistan*)

The Executive Summary (section titled “Internal flight or relocation alternative”) of Eligibility guidelines published by the *United Nations High Commissioner for Refugees (UNHCR)* states:

“In the context of Afghanistan, UNHCR considers that an internal flight or relocation alternative for those fleeing persecution or generalized violence is generally not available. Local commanders and armed groups are often able to extend their influence beyond local areas due to links to more powerful actors, including at the central level. Due to limited capacity and on-going conflict, State authorities are largely unable to provide effective protection from non-State actors. Extended family and community structures within Afghan society are the predominant means for obtaining protection and economic survival, including

access to accommodation. Thus, it is very unlikely that Afghans will be able to lead a relatively normal life without undue hardship upon relocation to an area to which they have no effective links, including in urban areas of the country.” (United Nations High Commissioner for Refugees (UNHCR) (31 December 2007) *UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs Of Afghan Asylum-Seekers*, p.11)

In a section titled “Internal flight or relocation alternative” this document states:

“In the context of the assessment of a claim to refugee status in which a well founded fear of persecution has been established in some localized part of the country of origin, the assessment of whether or not there is a relocation alternative in the individual case requires two main sets of analysis: its relevance and its reasonableness. For both, the personal circumstances of the individual applicant and the conditions in the country of origin need to be considered. With regard to the ‘relevance’ of an internal flight or relocation alternative, it is of particular importance to assess the willingness and the ability of the State to protect from risks emanating from non-State actors. Local commanders and armed groups act as agents of persecution in the Afghan context, both at the local and central levels. In some cases, they are closely associated to the local administration, while in others they may be linked to and protected by more powerful and influential actors, including at the central level. As a result, they largely operate with impunity, with the State authorities being unable to provide protection against risks emanating from these actors. In most instances, the State is unable to provide effective protection against persecution by non-State actors. The links to other actors may, depending on the circumstances of the individual case, expose a person to risk beyond the zone of influence of a local commander, including in Kabul. Even in a city like Kabul, which is divided into neighbourhoods (gozars) where people tend to know each other, the risk remains, as news about a person arriving from elsewhere in the country travels fast. In the absence of a risk of persecution or other serious harm upon relocation, it must also be reasonable for a claimant to relocate. Such an assessment must take into account the elements of safety and security, human rights standards and options for economic survival in order to evaluate if the individual would be able to live a relatively normal life without undue hardship given his or her situation. The traditional extended family and community structures of Afghan society continue to constitute the main protection and coping mechanism. Afghans rely on these structures and links for their safety and economic survival, including access to accommodation and an adequate level of subsistence. Furthermore, the protection provided by families and tribes is limited to areas where family or community links exist. As documented in studies on urban vulnerability, the household and the extended family remain the basic social network in Afghanistan and there are indications that existing traditional systems of sharing and redistribution are less effective in the extended urban family.⁴⁰² It is therefore very unlikely that Afghans will be able to lead a relatively normal life without undue hardship upon relocation to an area to which he or she has no effective links, including in urban areas of the country.” (ibid, pp.79-80)

In a section titled “Internal flight alternative/Internal relocation alternative” (section 12: sub-section titled “Willingness & ability of the state to protect”) a country of origin information seminar report published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)* states:

“UNHCR requests countries of asylum not to consider internal flight or relocation alternative if a person has a well-founded fear of persecution (NSA) in localized manner in an area of Afghanistan. The freedom that non-state agents of persecution are enjoying, many of them having official positions, enables them to easily find their target through organized criminal groups – ‘news travels fast’ in Afghanistan. Non-State Agents are above the law at the local and central levels and, in some cases, associated to the local administration. Local NSA can be linked to and protected by more powerful and influential actors. The state authorities are unable to provide protection against risks emanating from these actors, who largely operate with impunity.” (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (November 2007) *11th European Country of Origin Information Seminar Vienna, 21 – 22 June 2007 – Country Report: Afghanistan*, p.41)

In a section titled “Reasonableness of relocation” this report states:

“It must also be reasonable for a claimant to relocate. UNHCR continues to advise against resorting to Internal Flight Alternative (IFA) in the Afghan context, considering elements of safety and security, human rights standards as well as options for economic survival (lack of employment and other opportunities). Traditional social safety network is the main protection and coping mechanism for most Afghans. Afghans rely on these structures and links for their safety as well as for economic survival, including access to accommodation and an adequate level of subsistence. Furthermore, the protection provided by families and tribes is limited to areas where family or community links exist. It is therefore very unlikely that Afghans will be able to lead a relatively normal life in a location other than one’s place of origin or residence without facing undue hardship. UNHCR advises against the relocation to areas where an individual has no effective links, including in urban areas of the country.” (ibid, pp.41-42)

A *Radio Free Europe/Radio Liberty* report on the surrender of anti-government rebels states

“According to Akram, if more security were given to those rebels who agreed to give up their arms, thousands more insurgents would participate in the process. He says former insurgents are more vulnerable in Afghanistan’s more remote regions, where their former comrades may retaliate against their decision to stop fighting.” (Radio Free Europe/Radio Liberty (27 March 2009) *Afghan Authorities Say Thousands Of Rebels Have Joined Peace Process*)

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

ACCORD

Amnesty International

Danish Immigration Service

European Country of Origin Information Network

Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
Online newspapers
Refugee Documentation Centre Library
Refugee Documentation Centre Query Database
United Kingdom Home Office
UNHCR Refworld
US Department of State