

# Introduction

During the last three decades Afghanistan has been characterised by political instability and conflict. The number of applications for asylum by Afghans in the UK has consistently increased in number between 1997 and 2001, and since then asylum applications have remained high.

This guide will discuss the profile of the Afghan population in the UK, with particular reference to asylum and refugee statistics, as well as relevant policies and important case law for the population. Key issues for Afghan asylum seekers and refugees are highlighted and information concerning relevant resources, projects and initiatives is provided.



Source: CIA World Factbook

# History

In 1979 Soviet forces invaded Afghanistan to support the then government against an internal insurgency, following political coups earlier in the decade which had left Afghanistan in a politically challenging situation and their national army close to ruin (NCADC, 2010). What followed was a period of civil warfare and fractional divides, until 1997 when the radical Islamic group, the Taliban, seized control of Kabul and instated itself as the ruling authority in Afghanistan (UK Border Agency, 2009a). The Taliban was recognised as a legitimate regime by three countries; Pakistan, Saudi Arabia, and United Arab Emirates with the majority of other countries continuing to recognise the Tajik Rabbani as the head of state. The Taliban controlled approximately two-thirds of the country (NCADC, 2010). Their refusal to deport Osama Bin Laden following the September 11<sup>th</sup> terrorist attacks on the USA in 2001 resulted in military campaign led by the USA which resulted in the Taliban's removal from government in December 2001 (BBC News, 2010b).

Since 2001 Afghanistan has been attempting a process of reconstruction, this is illustrated by the Bonn agreement in 2001; a new national Afghan army and police force (Minority Rights Group International, 2009); and with foreign peace keeping troops in place since January 2002 to date (NCADC, 2010). The 2004 Constitution recognised all Afghans as equal before the law and government elections were held in 2005 with Hamid Karzai, a Pashtun leader, elected as president (UK Border Agency, 2009a). 2004 and 2005 also witnessed the lowest number of asylum applications to the UK (Home Office, 2004 & 2005).

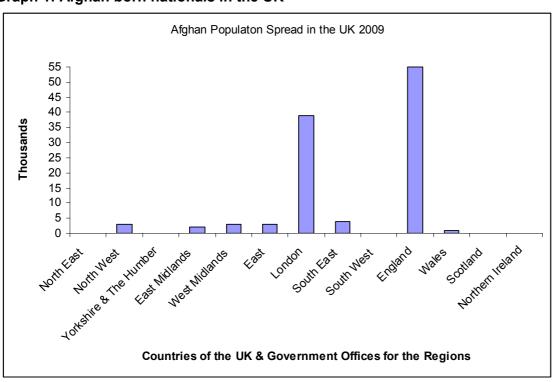
However the Taliban have continued to be an insurgent force within Afghanistan and in 2009 violent fighting reached its highest level recorded (NCADC, 2010), coinciding with the Taliban's warning that they would launch a new military initiative in May 2009 (UK Border Agency, 2009b). Today the political situation in the country remains insecure with ongoing fighting between national and foreign troops and insurgent groups (NCADC, 2010).

## **Profile of the Afghan Population in the UK**

The 2008/09 population estimate of those born in Afghanistan residing in the UK is 56,000 people (Office for National Statistics, 2009); this is a rise from the 14,875 recorded in the 2001 census (BBC News). This increase was most significant in 2006 and 2007 as between 2004 - 2006 the number of Afghan born individuals was consistently under 17,000, whereas in 2007 there were 46,000 recorded (ONS, 2010). Whilst asylum grants were high in 2006 to 2007 (Home Office, 2007, & 2008), this rise in population estimates may also be indicative of a different recording method used after 2006.

# Geographical Spread

The 2001 census found that 7 out of 10 Afghans in the UK lived in London (BBC News 2010a), and today the majority of Afghans still reside in London (ONS, 2009). Graph 1 below demonstrates the spread of Afghans in the UK in 2009. The figures used, aside from the England estimate, are not considered reliable due to a small sample size but are intended as an indicator only. The figures may also include Afghanborn individuals who have UK citizenship, and did not necessarily seek asylum in the UK.



Graph 1: Afghan born nationals in the UK

Source: Statistics provided to Sophie Jones by the Home Office Migration Statistics Unit, 2010.

#### Length of Residence in UK

Between 2001 and 2009 the estimate of the Afghan population in the UK has increased significantly suggesting that most Afghans have had a relatively short residence in the UK, with a large majority arriving in the UK since 2007 (ONS, 2010).

The most common form of protection granted to Afghans in the UK is discretionary leave to remain (Home Office, 2001 - 2010); giving Afghans between 6 months to 3 years confirmed residence before they have to reapply, thus creating transient periods of UK residence dependant upon the conditions in Afghanistan.

**July 2010** 

# Age & Gender

The 2009 estimates by the ONS put the number of female Afghans in the UK at 20,000 and males at 35,000.

The majority of Afghan born residents in the UK are between 30 - 34 years of age. The ONS regard the accuracy of this estimate to be statistically acceptable; however the figures for the other age ranges may be unreliable due to sample size. Please refer to Graph 2 below for an approximate representation of age groups.

Afghan Age Estimates in the UK 2009 16 14 12 **Thousands** 10 8 6 4 2 0-4 5-9 40-45-50-60-70+ 10-16-20-25-30-35-55-65-15 19 24 29 39 49 54 59 64 69 34 44 Age Groups

Graph 2: Age groups of Afghan born nationals in the UK

Source: Statistics provided by the Migration Statistics Unit, 2010.

## Languages Spoken

The main languages spoken by Afghans are Pashto and Dari (Persian), which are both the national languages of Afghanistan (Minority Rights Group International, 2009). Since GCSE and A-Level language exams have been offered in Persian (from 2000 and 2002 respectively), entries have risen consistently (The National Centre for Languages) and 0.1% of state school pupils throughout the UK speak Persian as their first language (The National Centre for Language, 2009).

### **Ethnicity & Political Affiliation**

There are several different ethnic groups within Afghanistan; Pashtuns (42%), Tajiks (27%), Hazaras (9%), Uzbec (9%), and Aimaq (4%) as well as some other smaller groups (Central Intelligence Agency World Factbook, 2010). Political affiliation in Afghanistan has always heavily interlinked with ethnicity, and political vulnerability could be determined by ethnicity (Bhatia et al 2003). Traditionally Pashtun Afghans have been the dominant group within politics (Punjani, 2002). In 2009, the UKBA as well as other agencies (International Crisis Group, 2003), highlighted Pashtuns based in the North of Afghanistan as a group potentially vulnerable to persecution, and Pashtun women in northern areas have been targets of sexual violence. This is primarily due to Pashtuns' perceived association with the Taliban. In contrast, during the Taliban rule, Tajiks, Uzbecs, and Hazaras may have been targeted due to their association with Tajik and Uzbek United Front (Punjani, 2002).

**July 2010** 

## Religion

The vast majority of Afghans are Muslims, predominately Sunni Muslim (UKBA 2009). The majority of Pushtuns, Tajiks, and Uzbeks are Sunni Muslims, whereas those of Haraza ethnicity tend to be Shi'a Muslims. Shi'a Muslims were actively persecuted under the Taliban regime, leading many to flee the country; furthermore minority religious groups such as Sikhs and Hindus were discriminated against to the point that many left Afghanistan. This situation has improved since the fall of the Taliban government; although it is still dangerous to be openly Christian in Afghanistan (UKBA 2009).

#### **Statistics**

#### Asylum applications

Afghan applications for asylum to the UK have been consistently high since 2000 and from 2006 have been in first and second place in tables among the top nationalities in asylum applications (Home Office, 2001 – 2010). In 2009 there were 3,300 applications made (Home Office, 2010a), a slight fall from the 3,505 applications made in 2008 (Home Office, 2009). The number of applications has fallen since 2001 when a record 9,000 applications were made (Home Office, 2002). Table 1 below shows Afghan asylum applications (excluding dependants) from 2005 to 2009.

Table 1: Asylum applications from Afghan nationals 2005 - 2009

Year	2005	2006	2007	2008	2009
Asylum Applica- tions	1,580	2,400	2,500	3,505	3,300

Source: Home Office 2005 - 2009

There were 3,280 initial decisions made by the Home Office on Afghan applications in 2009 (Home Office, 2010a). These led to 155 individuals being granted refugee status (5%\* of initial decisions made). 10 were given humanitarian protection (0.3%\*), and 1,225 applicants were not recognised as refugees but granted discretionary leave (37%\*). The remaining 1,890 (58%\*) were refused asylum and 510 Afghans withdrew their application. This trend of UK asylum grants and refusals for Afghans is broadly consistent from 2002 to date (Home Office, 2002 – 2010).

#### Citizenship

Afghans were the 11<sup>th</sup> highest nationality to be granted British citizenship in 2009; 5,010 Afghans were granted citizenship, a slight decrease from the 5,540 in 2008 (Home Office, 2010c). In 2008 Afghan born residents were the 6<sup>th</sup> highest nationality to be granted British citizenship; a reduction of 48%\* from 2007, and prior to 2007 grants of citizenship to Afghans had been low.

#### Detention

In 2009 a total of 220 Afghans were held in immigration detention, constituting a significantly high proportion of all nationalities held. Of all those removed from the UK upon leaving detention in 2009, 7% of these were Afghan, the second highest nationality to be removed under these circumstances in 2009 (Home Office, 2010a).

The number of Afghan detainees held under the Immigration Act is consistently high in comparison to the number of detainees from other countries (Bail for Immigration Detainees, 2009). Of the different nationalities held in 2009, Afghans were the second highest nationality.

**July 2010** 

Home Office statistics for 2009 indicate no Afghan children in immigration removal centres (Home Office, 2010a).

## Removals

Afghanistan saw a rise in the return of Afghan refugees in 2002, estimated at almost 2 million along with 700,000 internally displaced people returning to their original place, although these numbers have fallen since due to the ongoing conflict and instability (Minority Rights Group International, 2009). In 2003 the UK government forcibly removed refused Afghan asylum seekers for the first time since 1995, returning many to Afghanistan (NCADC News Archive, 2003).

Throughout 2009, 1,455 Afghan asylum seekers left the UK, with the majority of individuals returning to Afghanistan (78%). 64% of these were enforced removals and notified voluntary departures, which included individuals under Facilitated Return Schemes. 32% returned voluntarily, in part under Assisted Voluntary Returns programmes, and the remaining 4% left voluntarily without informing immigration authorities (Home Office, 2010a).

# **Unaccompanied Child Applicants**

Unaccompanied minors from Afghanistan constitute a significant proportion of Afghans making asylum applications to the UK.

In 2009 51% of *all* unaccompanied asylum seeking children applicants were Afghan (1,525 applications of a total of 2,990) in 2009. Therefore of the overall 3,300 Afghan applications made in 2009, 46% of these were made by unaccompanied children (Home Office, 2010a). This was a slight decrease from 2008 when 51% of Afghan applicants were unaccompanied children, comprising 42% of the total unaccompanied asylum seeking children applicants that year (Home Office, 2009). The majority of those aged 17 years and under were granted discretionary leave to remain in the UK in 2008/09 (Home Office, 2010a & 2009).

## Legal & Policy Issues

### Notable case law involving Afghan asylum seekers and refugees

In November 2008 the European Court of Human Rights received 11 applications from Afghans in detention awaiting their removal on a flight to Afghanistan organised by French and British authorities. They argued that if deported they would face real risk of ill-treatment or torture by the Taliban, constituting a violation under Article 3 (prohibition of torture and inhuman or degrading treatment). In this case interim measures were granted under Rule 39. Consequently the President of the Chamber indicated to the authorities that they should not be removed to Afghanistan. In the case of Sultani v. France (European Court of Human Rights, September 2007), Mohammad Sultani, an Afghan national, contested his removal to Afghanistan from France on the same grounds and was granted protection from removal under rule 39. However it should be noted that rule 39 is an interim measure and there is the possibility that this could be revoked in future.

The case of **NM** (Christian Converts) Afghanistan CG [2009] UKAIT 00045 (13 November 2009). NM had converted to Christianity from Islam and due to this had faced "real risk of serious ill-treatment amounting to persecution or a breach of his Article 3 ECHR right on return to Afghanistan" (UKAIT, 2009, p:1). Upon appeal in 2007 NM was given leave to remain on refugee and human rights grounds, with the court concluding that "return to Afghanistan would expose him to a real risk of persecution and would subject him to a real risk of inhuman or degrading treatment in violation of his rights under Article 3 of the ECHR" (UKAIT, 2009, p:27).

**July 2010** 

The case of **ZN** (Afghanistan) (FC) and Others (Appellants) v Entry Clearance Office (Karachi) (Respondent) and other action [May 2010] UKCS 21 Israr Naimi, an Afghan national, came to the UK in 2001 and was granted refugee status. In 2005 he successfully applied for British citizenship. His wife and children (the appellants), who had stayed in Pakistan, applied for entry clearance to join him in the UK. Their application made reference to their rights to respect their family life, under Article 8 of the European Convention of Human Rights (Council of Europe, January 1966). Their application was refused under the Immigration Rules, as they could not meet the maintenance and accommodation conditions required for families of British citizens to gain entry clearance (Upon appeal, the Court felt that "the fact that British citizenship has been granted to the sponsor does not change the fact that the sponsor is a person who has been granted asylum rights" (UKSC, 2010: 14) and thus the appellants were successfully granted entry clearance on the basis that families of refugees do not need to meet any maintenance and accommodation conditions to enter the UK, even if the refugee has since been naturalised.

## Issues faced by the Afghan population in the UK

## **Employment**

Like many other immigrants a considerable majority of Afghans are London based and of working age. Research by the Change Institute (2009) on the Afghan Muslim community throughout the UK found that as Afghans' qualifications are not recognised or acknowledged, many suffer a loss in professional status and gain employment much below their academic level. This is something that is felt particularly by males in the Afghan population and has been identified as a significant influence upon undiagnosed depression in Afghan communities (Bloch 2002). Spence (2005) found that Afghans were a migrant group with extremely poor outcomes; they suffered exclusion from the UK labour market. In further research Afghans reported that they felt discriminated against in the job market (Rutter et al 2007).

## Community & Integration

Research by Rutter et al. (2007) involving Afghan refugees indentified that key factors for integration in the UK were:

Secure immigration status
Tolerance
Secure housing
Fluency in English language
Social networks
Long term support of a professional.

Of those interviewed (including refugees from other nations) two-thirds had been victims of racial harassment implying intolerance by some members of their local community, and comments by Afghans interviewed included:

"Everyone who has dark hair, dark eyes, they call 'Paki'. They used to spray graffiti on my doors and put rubbish through my letter box. All of them who do this are children, but behind the children are their parents. It is difficult because the parents don't take responsibility for their children's activity. They encourage their children to do this, they say 'it is not your country, get out." (Rutter et al., 2007:111)

**July 2010** 

The Change Institute (2009) reported that, due to differences in ethnicity, political affiliation, and languages within the Afghan population it was challenging to identify any individuals who could represent Afghans in community or voluntary groups that would be accepted across the Afghan population.

## Returns

A significant proportion of Afghans are returned to Afghanistan via enforced removals and facilitated return schemes. If an Afghan agrees to be part of a facilitated return scheme (FRS) then they can claim financial assistance for their return, although they will be required to remove their asylum application. However if their application has already been refused it is unlikely that the detainee will receive any support from FRS (Association of Visitors to Immigration Detainees, 2008). An example of the impact the UK returns policy can have was reported by the Independent when an Afghan asylum seeker, Abdullah Tohki, was returned to Afghanistan and then executed by militants (Sengupta, 2007). In June 2010 an Afghan who is on the Taliban's 'death list' was refused asylum even though it was accepted that the authorities would not be able to protect him if he returned to his home village (Sengupta, 2010).

Some Afghans, including failed asylum seekers as well as successful asylum applicants, have returned to Afghanistan from the UK under the Assisted Voluntary Removals (AVR) programmes and Voluntary Assisted Return and Reintegration Programme (VARRP) run by the International Organisation for Migration. These schemes can provide Afghans with resources for settlement back into Afghanistan. Blitz et al.'s 2005 study conducted with Afghans in the UK found that many did not see return as a viable option due to the conditions in Afghanistan, despite strong emotional ties to the country.

## Mental Health

With the majority of Afghan asylum applications being refused, feelings of hopelessness, alongside a fear of return are key issues for the mental health of Afghans going through the asylum system. For some Afghans this pressure has resulted in suicide; Nadim Hussaini, an 18 year old, committed suicide a few days after his application was refused, and Zekia Mohammed hung himself in his flat unable to cope with destitution (Atwal & Bourne, 2007). Research into destitute asylum seekers, including Afghans, has found that destitution made it much harder to access support, and the majority felt that their mental health had deteriorated since being in the UK (Social Perspectives Network & London Development Centre, 2006).

## Unaccompanied Afghan Children

Interviews carried out by Refugee and Migrant Justice (henceforth RMJ) in 2010 with Afghan children found that on arrival to the UK many were treated badly by the UK Border Agency and did not understand what was happening to them.

"I'd been wearing the same dirty clothes for two months and they were very uncomfortable. They were so dirty they had lice in them. I was not offered the chance to wash until after the interview. I was then interviewed for a long time. The person who interviewed me was angry with me. They asked me how I got to England and warned they could send me back. I was so frightened. There were some expressions like 'asylum' and 'Home Office' that I didn't know the meaning of. I did not know what they were going to do to me and I did not trust them. They did not explain to me what the questions were about or what was going to happen."

Abba aged 15 on arrival. (RMJ, 2010:14)

**July 2010** 

Another issue for unaccompanied Afghan minors reaching the UK can be proving that they are under 18 years old. Age disputed applications were significantly higher for Afghan young people in comparison to any other nationality in 2009 (Home Office, 2010a). However the capacity for accurate assessment by the UKBA has been questioned as at least 50% of age disputed cases were found to be children. The challenges of asserting an accurate age can mean that cases can last well over a year, creating a stressful and insecure environment for young Afghans, and in the case of one unaccompanied Afghan minor led to a high court hearing (Boseley, 2009).

The UK Border Agency started a new programme in March 2010 to support the return and reintegration of 16 - 17 year old Afghan males to Afghanistan (Public Tenders, 2010). At the same time UKBA announced it was planning to set up a reintegration centre in Kabul to return some of the unaccompanied Afghan children in the UK (Travis, 2010).

## Women

Abuses of women's human rights in Afghanistan are widely documented (Integrated Regional Information Networks, 2010). With regards to UK Afghan communities, Dumper (2002) highlighted that Afghan women's needs were not being met and that there was a lack of knowledge around their rights and protection. Furthermore the Afghan women interviewed in her study did not feel safe in the UK and some would not leave their houses after 7pm. Later research by the Change Institute in 2009 has also found that women were marginalised although their status was starting to improve. There are further challenges to integration for Afghan women due to their religious beliefs and cultural attitudes, for example research in London has shown that Afghan Muslim women can be uncomfortable using public leisure services, limiting the degree to which they can make use of public services (Bell, 2008). The establishment of organisations for Afghan women has been identified as a key component for empowering Afghan women and increasing their status in society (Change Institute, 2009).

**July 2010** 

### Resources,

#### Films

In This World, released 28th March 2003

This was a docu-drama staring an Afghan refugee, Jamal, and illustrates his journey from a refugee camp in Pakistan to London. The film was mostly shot on location, although scenes inside the Sangatte camp in France were shot in England.

Director: Michael Winterbottom, Writer: Tony Grisoni, Producers: Andred Eaton and Anita Overland

Link to official trailer: http://www.youtube.com/watch?v=iirGjM3T5QI

## Books:

**The Breadwinner** by Deborah Ellis Published by Oxford University Press in November 2001 This children's book tells the story of an 11 year old girl living under the Taliban regime in Afghanistan and was based upon real stories of Afghan women in refugee camps. It is suitable for children aged 10 and upwards.

Deterritorialized Youth: Sahrawi and Afghan Refugees at the Margins of the Middle East Editor: Dawn Chatty Published by Berghahn Books in April 2010 Volume 29 of the Forced Migration Series: http://www.berghahnbooks.com/title.php?rowtag=ChattyDeterritorialized

**Women of the Afghan War** Author: Deborah Ellis Published by Greenwood Press in April 2000 This is a non-fiction book which recounts experiences of women in the Afghan war.

## Refugee Community Organisations:

Afghan Association of London <a href="http://www.afghan-association.org.uk/">http://www.afghan-association.org.uk/</a>

British Afghan's Women's Society - <a href="http://www.britishafghanwomen.org/">http://www.britishafghanwomen.org/</a>

Scottish Afghan Society - http://scottishafghansociety.blogspot.com/

Afghan Council UK - <a href="http://www.afghancounciluk.org/index.php">http://www.afghancounciluk.org/index.php</a>

Afghan Students UK - http://afghanstudents.co.uk/

## Non-Governmental Organisations:

Afghan Aid - http://www.afghanaid.org.uk/

**July 2010** 

## Initiatives & Projects:

Afghan Analyst Network, an independent policy research organisation - http://aan-afghanistan.com/

Afghan Studies Group – discussion, articles, and events relating to the study of Afghanistan http:// www.afghanstudiesgroup.com/about/

Current Health Projects in Afghanistan:

http://research.hopkinsglobalhealth.org/Country.cfm?country\_code=AF

Afghan Association Paiwand: Project for Unaccompanied Minors:

This project began in March 2008, it is a supported housing project for at 16 – 18 year olds providing support on;

- Accommodation
- **Emotional support**
- Development of self esteem via development of life and work skills
- Structured training courses, homework clubs, sport activities
- Advice and guidance around vocational skills
- Networking with local authorities and other agencies for effective service delivery.

For more information see <a href="http://www.paiwand.com/new\_services.php">http://www.paiwand.com/new\_services.php</a>

Afghanistan Music Unit:

This project promotes and preserves Afghan music, in particular traditional instruments and methods of playing. The project has worked in both Afghanistan and the UK.

For more information on the project, please contact:

Dr John Baily e-mail j.baily@gold.ac.uk. http://www.gold.ac.uk/amu/

## Research

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**July 2010** 

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**July 2010** 

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