

Maira Omar

# **Post-return experiences in Afghanistan: perceptions of the 'rightless' on failed reintegration policies and their paths from returnees to internally displaced persons (IDPs)**



University of South-Eastern Norway  
Faculty of Humanities, Sports and Educational Science  
Institute of Social Sciences and Cultural Studies  
PO Box 235  
NO-3603 Kongsberg, Norway

<http://www.usn.no>

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This thesis is worth 45 study points

Word Count: 31 434

## Abstract

Afghanistan has experienced one of the largest repatriation operations of asylum seekers and refugees in contemporary history as one result of the Soviet invasion in 1978, international interventions against the Taliban regime and internal ongoing armed conflicts (Blitz, Sales & Marzano, 2005, p. 186). The numbers from 2018 show that over 371,999 people were displaced in Afghanistan and the security situation led to one of the deadliest years for civilians (NRC, 2018). In 2019, there were 2.6 million Afghan refugees in the world (Amnesty International, 2019). Migration policies after the attack in the United States in 2001 became stricter and forced Afghan refugees to return to their country of origin. These returnees face various barriers in their reintegration to the political community. This study explores the post-return experiences of returnees, the challenges in their repatriation and identifies the main challenges, roles and responsibilities of local and international actors in current reintegration policies in Afghanistan. This research conducts a theoretical thematic analysis on semi-structured interviews with Afghan returnees and NGO employees to generate themes relating to the concept of bare life (Agamben), the right to have rights (Arendt), humanitarian reason (Fassin) and border crossing (Hyndman). The themes deduced include: the lack of autonomy and human rights, broken families and bare life of shame and rightlessness and the power of governments; international agencies and NGOs provide awareness to the post-return experiences in Afghanistan and the return policies of host countries. The study indicates that perceptions of the 'rightless' on failed reintegration policies and their paths from returnees to IDPs is a result of European governments' migration policies and the low capacity not only of the Afghan government, but also of international agencies to assist returnees in Afghanistan.

*Key words: Returnee, internally displaced persons, return policies, voluntary repatriation, durable solutions*

## List of acronyms

AVRR	Assisted Voluntary Return and Reintegration
AMASO	Afghanistan Migrants Advice and Support Organisation
CSO	Civil Society Organisations
EU	European Union
IDP	Internally Displaced Persons
IHL	International Humanitarian Law
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
IRL	International Refugee Law
JWF	Joint Way Forward
MoRR	Ministry of Refugees and Repatriation
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNHCR	United Nations High Commissioner for Refugees

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## Acknowledgements

I express my deep sense of gratitude and profound respect to my supervisor, Dr. Gabriela Mezzanotti, for her useful guidance, considerable encouragements and constant support at all stages of my thesis work with great patience and enormous care. The existence of this thesis would not be possible without her. My endless thanks to Dr. Gabriela Mezzanotti for giving me the chance to explore new knowledge of mine. This thesis is the result of her generous attitude.

I wish to express my appreciation to all the research participants; my special thanks are extended to the returnees. Without their valuable ideas and opinions, the research would not have been accomplished. Thank you for your insights, time and openness. This research would not have been possible without your contributions.

I would like to thank my friends and colleagues, especially fellow students and professors of MSc in Human Rights and Multiculturalism; it has been great to know all of you during my time at the university. I am particularly grateful for the support and motivation given by my colleague and friend, Hanna Bikset Bentzen, for her enthusiasm, encouragement, friendship and for being someone to share achievements with.

I would like to express my eternal appreciation towards my family, especially my parents, who have always been there for me and for all the unconditional support, patience and love throughout my life. Thank you for your encouragement and for motivating me to write this thesis, and for all of the sacrifices that you've made on my behalf. I would also like to acknowledge Ole Nasser Timraz for being understanding, supportive and for his never-ending motivation through this process.

Drammen/2020

Maira Omar

# 1 INTRODUCTION

## 1.1. Introductory context

Afghanistan has experienced various armed conflicts in its contemporary history, from the Soviet occupation in 1978, followed by international interventions against the Taliban regime and internal ongoing armed conflicts (Blitz, Sales & Marzano, 2005, p. 186). Destroyed by conflict, Afghanistan has seen the coming and going of kings and presidents, mullahs, militias and world superpowers (Özerdem & Sofizada, 2006, p. 80). According to the Report on Armed Conflicts (2018), 51 non-international armed conflicts occurred in 22 different states – including Afghanistan – in 2018 (Bellal, 2019, p. 19). There were three non-international armed conflicts in Afghanistan in 2018: “Afghanistan and the USA v Qeshta Shura Taliban”, “Afghanistan v Haqqani Network” and “Afghanistan v Islamic State in Afghanistan” (Bellal, 2019, p. 19). Since 1978, these conflicts have resulted in a large number of refugees who have had to flee the country and many more individuals who have become internally displaced. In 2018, approximately 3,800 civilians were killed and 7,000 injured (UNAMA, 2019, p. 1). As a result, over 371,000 people were displaced within Afghanistan in 2018 and approximately 3 million are currently living as refugees outside Afghanistan (NRC, 2018). The worsening of security conditions in the country led to one of the deadliest years for civilians considering the recent conflicts (NRC, 2018). A combination of factors such as ongoing armed conflicts, drought, hunger and political conditions – the parliamentary election in October 2018 became one of the nations’ bloodiest (NRC, 2018) – have forced 807,000 people to flee their homes. According to Amnesty International, there were 2.6 million registered Afghan refugees in the world (Amnesty International, 2019). There are also more than 2 million people who have been internally displaced as a result of the ongoing conflict, but there are many more who are unregistered or who are currently asylum seekers (Amnesty International, 2019). The United Nations High Commissioner for Refugees (UNHCR) has assisted more than 5.2 million Afghan refugees who have returned to the country since 2002 (UNHCR, 2019).

This constant state of violence and disruption has led to large displacement and severe problems regarding human rights, peace and security. A deteriorated health system, extreme poverty, high unemployment rates, extreme violence and difficulties in accessing education are only some of the harsh conditions of everyday life for the majority of the Afghan population. According to the Fragile States Index 2020, Afghanistan is ranked with a score of 105, where the most fragile state is ranked with a score of 113.4. The different indicators that are used to determine the

vulnerability of a fragile state include public services, human rights, demographic pressures, refugees, internally displaced persons (IDPs) and security (Fragile State Index, 2020).

Within this context and with a population consisting of 38.9 million people, the country became dependent on different international aid programmes, from traditional humanitarian assistance to more complex development action (Fragile State Index, 2020). The protracted nature of the Afghan crisis highlights the paramount need for actions in relief and emergency aid, as well as rehabilitation, development and reintegration programmes, following the implementation of the humanitarian-development nexus architecture of current international aid (The Humanitarian-Development Peace Nexus, 2019).

In 2005, former United Nations Secretary-General Kofi Annan stated, “The return of refugees and internally displaced persons is a major part of any post-conflict scenario. And it is far more than just a logistical operation. Indeed, it is often a critical factor in sustaining a peace process and in revitalising economic activity” (UNHCR, 2005a). Nevertheless, it seems contradictory and even irresponsible that in face of Afghanistan’s current vulnerable and dangerous situation, several international and regional initiatives aim at increasing the return of Afghans to the country while concerns about security in Afghanistan and the violation of human rights in the region are apparently disregarded (UNHCR, 2005b).

The *2015 European Agenda on Migration* sets out a policy which aims to facilitate the return of refugees from all European member states to their home countries. Considering international human rights law, and especially the principle of *non-refoulement*, the legality of sending migrants back to Afghanistan is highly questionable even though, in general, states have the right to return people whose applications for international protection have been rejected (ECRE, 2017a, p. 2). Member states have changed their policy guidelines on how to deal with asylum applications from Afghan nationals since 2015 (ECRE, 2017a, p. 2). Each member state in Europe has defined which areas are safe for an internal protection alternative, which makes it more difficult for protection requests to be accepted within member states (ECRE, 2017a, p. 2). This means it is more difficult for refugees to have their asylum application accepted. While the security situation is worsening in Afghanistan, member states seem to react to the consequential migration by simply changing their policies rather than reacting to the objective security situation (ECRE, 2017a, p. 2). The *EU-Afghanistan Joint Way Forward* (JWF) was approved in October 2016 (European Union and the National Unity Government of

Afghanistan, 2016) and has been criticised for the way it has managed the repatriation of refugees, disregarding returnees' human rights and possibly creating new social problems in Afghanistan. JWF constitutes an agreement between the European Union (EU) and the Islamic Republic of Afghanistan focused on addressing and preventing irregular migration and on the return of irregular migrants (European Union and the National Unity Government of Afghanistan, 2016). In the agreement, Afghanistan and the EU stated they will remain committed to all their international obligations (European Union and the National Unity Government of Afghanistan, 2016) including the obligation to respect the provisions of the 1951 Convention Relating to the Status of Refugees.

For the purpose of this study, it is important to highlight that the JWF agreement indicates the Afghan Government shall accept large numbers of returnees. This obligation seems to disregard the fact that the country's capacity to assist returnees is very low and returnees might be exposed to significant harm, thus conflicting with the principle of *non-refoulement* (Mixed Migration Centre, 2019).

Approximately three out of four Afghans have experienced displacement at some point in their lives (International Committee of the Red Cross, 2009), and the number of displacements is increasing (NRC, 2017). The majority of returnees are constituted of refugees and the refugee repatriation programme that followed after the fall of the Taliban was the largest assisted by UNHCR (Majidi, 2017, p. 2). As previously mentioned, returnees face several challenges when they return to Afghanistan, a conflict-affected country characterised by a very complex political environment. I am interested to develop this research with the aim of revealing the perceptions of returnees who have been in contact with local non-governmental organisations (NGOs), international agencies and international non-governmental organisations (INGOs) about current reintegration policies in Afghanistan and their own experiences as refugees and IDPs. The aim is to identify and understand post-return experiences and the main challenges of returnees who are now internally displaced in Afghanistan. A general overview of current reintegration policies and the role of related actors will be presented and then compared to the perceptions and expectations of returnees.

## 1.2 Research questions and the purpose of the research

The aims of my thesis are twofold: first to identify main challenges, roles and responsibilities of local and international actors in current reintegration policies in Afghanistan; and second to

understand post-return experiences in the country through the perceptions of *rightless* people on their paths from returnees to internally displaced persons (IDPs) in the country.

Aiming to bring an overarching view of the problem, my research questions read as follows:

1. How do reintegration policies in Afghanistan address the challenges of protecting returnees that are currently displaced in the country? What are the main roles and responsibilities of the government, international and local actors regarding the protection of the rights of returnees and IDPs in Afghanistan?
2. How do returnees that are currently displaced in Afghanistan perceive their rights and main challenges to their reintegration process in the country? How do their experiences with governmental programmes, international and local organisations affect their lives?

Tackling issues related to humanitarian and development action, European migration governance and human rights, this study attempts to present a critical approach based on Arendt, Agamben and Fassin's contributions to understandings of the state of exception, rightlessness, power and the bare life of returnees/IDPS in Afghanistan.

Considering the specific aims of the thesis and time and funding constraints, this thesis is not designed to reveal the full picture of the daily life of an Afghan returnee, but rather focuses on aspects that are related to their reintegration in the country.

### 1.3 Definitions

It is important to define key terms prior to examining existing literature and theory:

**Returnee:** I will use the term returnee, rather than “returned refugee” as it describes a person of concern to UNHCR when outside their country of origin, who stays for a limited period before returning to their country of origin (UNHCR, 2005b). This term can also apply to the concept of IDPs (UNHCR, 2005b). The term returnee in this study will encompass: (1) returned refugees – persons who are returning after having been granted asylum abroad, refugees participating in internationally assisted repatriation programmes and those refugees who return

on their own (IOM, 2004); and (2) returned asylum seekers – persons who return after their asylum applications are rejected (IOM, 2004).

**Internally Displaced Persons (IDPs):** The concept of IDPs will be informed by the United Nations' Guiding Principles on Internal Displacement. IDPs are:

*...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised state border.* (Guiding Principles, 1998?)

My understanding of the concept will also apply to secondary IDPs, the internally displacement upon return from European countries.

**Voluntary repatriation:** The term “voluntary repatriation” will be used to describe one mode for refugees’ to return to Afghanistan. Voluntary repatriation in dignity and safety requires full commitment of the country of origin to assist in the reintegration of its own people (UNHCR, n.d.-a). UNHCR states the international community needs to continue their support through the critical post-conflict phase to ensure that those who make the decision to return voluntarily can rebuild their lives in a stable environment (UNHCR, n.d.-a). The International Organisation for Migration (IOM)’s Assisted Voluntary Return and Reintegration (AVRR) programme is a necessary part of an inclusive approach to migration management aiming at the humane return and reintegration of migrants who are unwilling or unable to stay in host countries and wish to return voluntarily to their country of origin (IOM, 2016). The AVRR programme requires the participation and cooperation of migrants, civil society and both of the government in host countries and in countries of origin (IOM, 2016).

IOM introduces seven principles which form a common basis for engagement in the AVRR programmes (IOM, 2016, p. 6). I will use two of IOM’s seven principles to describe voluntary repatriation. The first principle is “voluntariness”: According to IOM, voluntariness is assumed to exist if it is a freedom of choice, and if it is an informed decision, which requires the availability of time and reliable information upon which to base the decision (IOM, 2016, p. 6). The second principle is the “sustainability of reintegration”: This is described as the core of the AVRR approach, which can be considered as sustainable when returnees have reached a certain level of economic self-sufficiency and social stability in their communities upon their return

(IOM, 2016, p. 6). They also need to reach levels of psychosocial well-being, and by achieving sustainable reintegration, the returnees are capable to make further decisions regarding migration as a matter of choice and not necessity (IOM, 2016, p. 6). In this study, the “voluntary” repatriation to Afghanistan is contested considering the implementation of policies and migration management needs.

**Durable solutions:** The term durable solutions will be defined by UNHCR; the situation of refugees can be adequately and permanently resolved to allow them to live normal lives. Durable solutions which are being pursued by UNHCR include voluntary repatriation, local integration and resettlement (UNHCR, 2006, p. 8). The concept is central for organisations working on displacement or migration; a displaced person gains or regains permanently the status and rights to live as a free citizen through local integration, return or resettlement (Johannessen et al., 2019, p. 14). The concept of durable solutions is used in relation to refugees and IDPs, and when talking about durable solutions the term “sustainable” is often used (Johannessen et al., 2019, p. 14).

## 1.4 Methodology

A qualitative research strategy has been adopted to examine this area further. In this manner, I intend to analyse the different experiences of returnees who are currently internally displaced in Afghanistan and challenges they face considering the broken reintegration policies available in the country and how the government, international and local actors have responded to the protection of the rights of returnees in Afghanistan.

Epistemologically, this qualitative research reflects interpretivists concepts. One of the interpretive features is that the social world is being understood through the eyes of participants. Another interpretative feature is that this research attempts to gain the “interpretive understanding of social action in order to arrive at a casual explanation of its course and effects” (Weber, 1947, p. 88; Bryman, 2016, p. 26).

To answer my research questions on the post-return experiences in Afghanistan through the perceptions of the *rightless* on failed reintegration policies and their paths from returnees to IDPs, semi-structured interviews were conducted with 12 participants: 10 Afghan returnees and 2 employees from international and local NGOs. The research is limited to Afghan returnees due to the protracted nature of the country’s conflicts and the extreme vulnerability experienced by those who return to the country and now are internally displaced. Using Arendt’s concepts

on rightlessness and Agamben's homo sacer, I aim to analyse returnee's experiences and challenges considering the policies that were meant to protect them. Thematic analysis is employed for this thesis, where I use a specific method to code my data findings into themes. This project has been approved by the Norwegian Centre for Research Data (NSD). The methodology used in this study is further explained in Chapter 4.

## 1.5 Thesis structure

The thesis is divided into six chapters. *Chapter one* provides an introductory understanding which presents the research questions and the purpose of the research. The key terms and concepts are defined, as well as a very concise presentation of the methodology that is chosen for the research. The next chapter, *chapter two*, provides a contextual background of Afghanistan and the challenges returnees and IDPs are facing in the country. This chapter also examines the main roles and responsibilities of the government, international and local actors regarding the protection of the rights of returnees and IDPs in Afghanistan, and how returnees perceive their rights and main challenges to their reintegration process in their country of origin. *Chapter three* introduces the theoretical framework of the state of exception, rightlessness, power and the bare life as key analytical tools to reflect on the situation of returnees/IDPs in Afghanistan. *Chapter four* describes the methodology by presenting research methods in data collection and analysis, ethical principles, positionality and limitations and constraints. *Chapter five* presents the findings and analysis. The chapter highlights three main themes regarding the situation of Afghan returnees and will be followed by a discussion of the research questions in light of the findings, theoretical framework and previous research on the topic. Finally, I conclude the thesis with the results from my findings and analysis and suggest further recommendations for research in the future.

## 2 LITERATURE REVIEW

The world has witnessed the largest voluntary repatriation programme in history, with approximately 4.6 million returnees assisted by the Afghan Government and UNHCR (Kronenfeld, 2011; Majidi, 2013, p. 207). In addition, there are growing numbers of IDPs and mixed migration with families, unaccompanied children and men leaving Afghanistan legally or irregularly in hope of seeking a better life somewhere else (Majidi, 2013, p. 207). When returning people to their country – via voluntary repatriation or other modes – the assumption is they have a place to return to. However, returnees' biggest challenge upon return is often to find out where they will return to and where to live (Majidi, 2013, p. 208). According to Nassim Majidi, refugees tend to settle down where they choose to, not where they are from (Majidi, 2013, p. 208).

Another main challenge returnees are facing today, in this conflict-affected context characterised by a complex political environment, is their overall lack of protection. The Afghan government and the European countries that send refugees back to Afghanistan are not capable or willing to take responsibility for the returnees and for the new internal displacement apparently related to their arrival. Existing literature is consistent with the legal framework protecting returnees and describes the relationship between returnees and IDPs, international agencies, European countries and the Afghan government. The new challenges that Afghanistan is facing today are an increasing internal displacement and a high number of civilian casualties due to instability in several provinces of the country.

The literature review begins with an overview of migration outflows and the humanitarian responses to conflicts in the country. Return migration and EU policies on return as well as national policies will be presented. Further in the literature review, the concept of IDPs will be further explained as well as different challenges returnees and IDPs are facing today. International agencies are important actors to protect and assist returnees and IDPs when they are facing challenges.

### 2.1 The Afghan crisis: Migration outflows and humanitarian response to decades of armed conflicts

Antonio Donini (2012) separates humanitarian response to the Afghan crisis into four specific phases, while Van Houtte, Siegel & Davids (2015) describe the waves of migration as a result of the different conflicts in Afghanistan (Donini, 2012, p. 69).

The waves of migration described by Van Houte et al. (2015) come in phases. First, there was a period when the UN agencies only operated in neighbouring countries and, at the same time, waves of migration started with members of the Afghan elite who fled the country (Van Houte et al., 2015, p. 695). Donini focuses on the civil war and the complete breakdown of institutions (Donini, 2012, p. 69). During this period, more Afghan refugees fled the country – the wealthiest ones to Europe and the US, and others to neighbouring (Van Houte et al., 2015, p. 695). The Taliban period is considered as an important phase, which caused a massive migration outflow due to ethnic violations and cleansing in the country. The last phase is the period after 9/11, a downward phase, and at the same time Afghans started to return to their country of origin under varying conditions (Van Houte et al., 2015, p. 695).

A closer examination of the four phases as described by Donini (2012) follows. The first phase is from the Soviet invasion to the fall of Najibullah (1979-1992), the Cold War period and its immediate aftermath (Donini, 2012, p. 69). The two specific parts of this period include the NGO cross-border solidarity phase, during which UN agencies operated only in neighbouring countries, and the arrival of the UN agencies on the scene (Donini, 2012, p. 69).

The beginning of the 1979 conflict in Afghanistan, when the Soviet Union invaded the country, caused an outflow of refugees who originally came from the Afghan elite. The Afghan elite consisted of people belonging to political families, the royal family or religious leaders, as well as people who accessed higher education and who were a part of a wealthy, urban class, also defined as the “new elite” (Van Houte et al., 2015, p. 695). These elite refugees were non-leftist intellectuals or members of the pre-communist regime who escaped executions and detentions (Van Houte et al., 2015, p. 695).

The second phase is the civil war and the triumph of warlordism (Donini, 2012, p. 69). The “volatility” of the situation in Afghanistan, where institutions had complete breakdowns and devastation, restricted the plan of humanitarian assistance and provoked “great soul searching” in the assistance community where they were wondering what they were doing there and if they were feeding the war (Donini, 2012, p. 69). The second wave started in 1992, 3 years after the Soviet Union withdrew their invasion and the Afghan communist regime was overpowered by the Mujahedeen. These refugees were connected with the communist regime, and despite their sudden departure with few resources to bring with them, these elite refugees were often very well supplied to leave Afghanistan (Van Houte et al., 2015, p. 695). The refugees with greatest

resources often received permanent residence permits and refugee status (Van Houte et al., 2015, p. 695). The Afghan elite are overrepresented in the industrialised countries in the world, even though the Afghan elite is a minority of the total Afghan refugee population (Van Houte et al., 2015, p. 695). The later phases of the conflicts resulted in intense ethnic and political violence and caused massive outflows of migrants. After seizing power in 1992, several ethnic groups of the Mujahedeen fell apart in a civil war, and the ongoing civil conflict was a breeding ground for the rise of the Taliban in 1994 (Van Houte et al., 2015, p. 695).

The third phase is the Taliban Period, which lasted from 1996 till mid-November 2001 (Donini, 2012, p. 69). The rise of Taliban regime triggered a renewed interest in humanitarian principles and attempted for the second time a coordination among assistance, human rights, and political aspects of international response (Donini, 2012, p. 69). The aid agencies received restrictions from the Taliban regime and the Taliban attempted to manipulate aid to their own advantage (Donini, 2012, p. 69). This was paralleled by limited funding and pressure placed on humanitarian action by influential donors (Donini, 2012, p. 69).

The fourth and last phase is post-9/11, where Afghanistan went from “nation-building lite” to “back to the future” (Donini, 2012, p. 69). The commitment of the international community in Afghanistan since 2001 has been distinguished by politics of overtaking principles in an “arrogant hunt” for a durable peace (Donini, 2012, p. 69). The fourth phase consists of a climbing phase, where post-conflict rhetoric ruled and the need for humanitarian assistance was dismissed (Donini, 2012, p. 69). This led to a downward phase, which is similar to the end of the Soviet invasion in many ways (Donini, 2012, p. 69).

The largest repatriation operation of refugees took place from 2002 till today, after the overthrow of the Taliban (Van Houte et al., 2015, p. 696). It was a difficult decision for Afghans to return to their country of origin, and especially for migrants who ended up in Europe, whose financial, physical and emotional investments would be at risk by going back (Zimmermann, 2012; Van Houte et al., 2015, p. 696). However, Afghans did return to their country of origin from Europe after 2002 under various circumstances (Houte et al., 2014, p. 8). One aspect impacting returns was many Afghans who had permanent residence status elsewhere desired to return to invest and contribute to the reconstruction of Afghanistan (Jazavery, 2002; Van Houte et al., 2015, p. 696). Those who returned stayed in the country temporarily, while a small number of the returnees stayed for a longer term (Blitz et al., 2005; Oeppen, 2009, Van Houte et al., 2015, p. 696). Another aspect impacting returns was a general rise in xenophobia, which

led to stricter migration policies after 11 September 2001 (Hyndman, 2012; Koser & Black, 1999; Van Houte et al., 2016, p. 8). It was at this point European countries pulled back temporary asylum statuses and had stricter policies for newly arrived asylum seekers, as well as arranging the return of Afghans who did not have permanent legal status through “voluntary” return programmes (Schuster, 2011; Van Houte et al., 2016, p. 8). Earlier asylum seekers were more likely to receive legal status in host countries than migrants who came later (Van Houte et al., 2016, p. 8). This was because the Afghan migration had shifted over time, changing the demographic constitution of migrants, the migration policies they were dealing with and the hidden international relations that play an important role (Van Houte et al., 2016, p. 8). This is an important factor in explaining migrants’ post-return experiences, which will be discussed below.

## 2.2 The assessment of the security situation in Afghanistan

The security situation in Afghanistan has deteriorated in recent years (NOAS, 2018, p. 26). In 2017, the UN Secretary General described the security situation in the country as “intensely volatile” (UN General Assembly Security Council, 2017; NOAS, 2018, p. 26). Amnesty International declared that Afghanistan is an unsafe country to return to and advised European authorities to stop all deportations to Afghanistan (Amnesty International, 2017, p. 41). To support their argument, Amnesty International points at the increasing number of civilian victims, the intense humanitarian situation and the presence of terrorist organisations (Amnesty International, 2017, p. 41). Several European countries with a large number of Afghan asylum seekers claim their authorities do not acknowledge any areas in Afghanistan as unsafe (NOAS, 2018, p. 27). Results from a survey from 2017 by NOAS, which was sent to 25 NGOs from a total of 18 countries, show that European countries have not conducted or published their assessments of the security situation in Afghanistan (NOAS, 2018, p. 27). Sweden, Norway, Finland, Switzerland and Italy, on the other hand, declared several provinces of Afghanistan as unsafe (NOAS, 2018, p. 27). Nevertheless, in 2016, the Norwegian Directorate of Immigration (UDI) conducted an updated assessment of the security situation and concluded that none of the provinces in Afghanistan were to be considered unsafe (NOAS, 2018, p. 27).

## 2.3 Factors influencing return migration

Returnees face many challenges upon return to Afghanistan. A few of the specific barriers migrants face to rebuilding a life in Afghanistan after return include an instable security situation, vulnerability and displacement when they get separated from their families and their

“homes” (Majidi, 2017, p. 13). Majidi, Siegel & Kuschminder (2014) argue that policies need to recognise the diversity of return migration flows (Majidi et al., 2014, p. 28). There are several hundred rejected asylum seekers each year who opt for AVR support or who get deported from Europe to Afghanistan (Majidi et al., 2014, p. 28). Return from Europe to Afghanistan has been a politicised issue over the past decade, as Afghans continue to be one of the largest asylum-seeking groups on the continent (Majidi et al., 2014, p. 28). There are numerous factors influencing refugees’ decisions to return to their place of origin. Chloe Sydney (2019) argues that the principle of voluntariness is foundational in refugee return (Sydney, 2019, p. 11). Voluntariness implies a degree of autonomy in decision-making, which means that the refugee is free to choose when or whether to return (Sydney, 2019, p. 11). She argues there is a limited understanding of what influences a refugees decision (Sydney, 2019, p. 11). In addition to security, the socio-economic conditions in countries of origin and host countries play a central role in a refugees decision to return to their country of origin (Sydney, 2019, p. 11). Results from the study – whose participants include 393 refugees and returnees from Iraq, Colombia and Myanmar – show that the proportion of returns are negatively correlated with life expectancy and GDP per capita in the host country, suggesting that the likelihood of refugee returns decreases as life expectancy and GDP increase (Sydney, 2019, p. 11). Returns can also take place from host countries with higher standards of living if refugees are excluded and marginalised in their community in the host country, if they are unable to work and if they have to face an uncertain future regarding their refugee status determination procedures (Sydney, 2019, p. 11) Sydney argues that the refugees’ decision-making is also influenced by their attachment to their countries of origin although there may be insecurity and socio-economic challenges in the country (Sydney, 2019, p. 12).

According to Marieke Van Houte, Melissa Siegel and Tine Davids, Afghans returned from Europe after 2002 because the greater capability to travel to their country of origin resulted in many Afghans with permanent residence status returning to invest and contribute to the reconstruction of Afghanistan (Jazayery, 2002; Van Houte, Siegel & Davids, 2016, p. 8). Most returned temporarily to work in the reconstruction, consultancy and interpreting sectors, and to sell or rent out family properties, while a small number of the returnees stayed in their country of origin for a longer period (Blitz et al., 2005; Oeppen, 2009; Van Houte et al., 2019, p. 8). Sydney states that if refugees return to their country of origin despite insecurity because they are unable to sustain themselves in their host country, there is a strong likelihood the returnees will find themselves further displaced (Sydney, 2019, p. 12). She argues that host countries should ensure that refugees have access to assistance and livelihoods to prevent returns which

result in displacement (Sydney, 2019, p. 12). Some host countries may think it is in their interest to encourage fast returns; however, if the returns lead to further displacement, the host countries become contributors to displacement (Sydney, 2019, p. 12). Sydney concludes that there is a need to better acknowledge the role of abstract factors in returns, including the attachment to place and people. Understanding her arguments regarding the complexity of decision-making would improve responsible actors' ability to plan for return, assist refugees and returnees and have more secure voluntariness (Sydney, 2019, p. 12).

Return policies' goals are to return migrants to their country of origin, but decades of migration and displacement have complicated returns for Afghans (Majidi, 2017, p. 13). Nassim Majidi argues that there is a clear distinction between a person's "homeland" and "home" (Majidi, 2017, p. 13). Afghans who migrate to Europe may not migrate from Afghanistan, but from another country they have had long-term residence (Majidi, 2017, p. 13). Many of the returnees from Europe to Afghanistan may not have been born there or may have lived many years as refugees or migrants in Iran and may not have any connection or network when they get deported to Afghanistan (Majidi, 2017, p. 13). Young adults who grew up in neighbouring countries, such as Pakistan and Iran, but are returned to Afghanistan, are at risk as they have never lived in their "home" country before (Majidi, 2017, p. 13). If they do not receive proper assistance from support systems, the return of these young adults to Afghanistan is unsustainable (Majidi, 2017, p. 13). Majidi argues that separation from family is a barrier migrants face when trying to rebuild a new life in Afghanistan (Majidi, 2017, p. 14). When being forcibly returned from the host country, they leave friends and relatives behind, which can pull migrants to return to the country from which they were deported (Majidi, 2017, p. 14). While returnees are trying to find a solution to leave Afghanistan, financial support sent by family abroad can provide for the returnee to migrate again (Majidi, 2017, p. 14).

## 2.4 EU/Afghanistan agreement – Joint Way Forward

Over a quarter of a million Afghans migrated to Europe during 2015 and 2016, which resulted in European countries experiencing a large influx of Afghan asylum seekers (Bjelica, 2016, p. 2). Many European countries faced challenges trying to deport Afghan asylum seekers that failed in their claims for asylum and getting Afghan authorities to accept them back and take responsibility (Bjelica, 2016, p. 2). The EU wanted a commitment from Afghanistan that they would cooperate with them as a matter of principle (Bjelica, 2016, p. 2). President Ghani and Dr. Abdullah backed the agreement on how to return Afghans who have travelled to Europe

and failed in their claims for asylum (Bjelica, 2016, p. 1). The Minister for Refugees, Balkhi, did not agree and said that Afghan migrants should be allowed to stay in the host country, even if their claims were not accepted (Bjelica, 2016, p. 1). The agreement, JWF, was supposed to be launched during a ministerial dialogue in Brussels on 3 October 2016, the same time when EU would announce an 80 million Euro assistance package for migration-related activities (Bjelica, 2016, p. 1). The agreement, JWF, was supposed to test Afghanistan's willingness to cooperate on taking responsibility for Afghans who were rejected in their asylum claims (Bjelica, 2016, p. 2).

When the Minister for Refugees and the Minister for Foreign Affairs both refused to sign the document, the plan to discuss continuing development aid for Afghanistan up to 2020 ran into difficulties (Bjelica, 2016, p. 2). This led to great concern and annoyance among European diplomats (Bjelica, 2016, p. 2). The organisers of the Brussels Conference feared that failure to negotiate an agreement with Afghanistan could hijack attention from important issues on aid and would leave member countries of the EU afraid to commit to future funding (Bjelica, 2016, p. 2).

Right before the conference, it became clear the JWF document may not be signed at all; as a result, the EU and its member states, the presidential palace and all who were keen to make the Brussels Conference a success engaged in an outbreak of diplomacy to get the documents signed in time (Bjelica, 2016, p. 2). Jelena Bjelica from Afghanistan Analyst Network (AAN) looks at the main controversies from Afghanistan's point of view on the agreement. According to Bjelica, President Ghani's position has been that Afghanistan should take the responsibility for its own citizens (Bjelica, 2016, p. 3). He has several times reassured his EU "counterparts" that Afghanistan is duty-bounded to accept the readmission of Afghans whose asylum applications have been rejected (Bjelica, 2016, p. 3). However, the Minister for Refugees, Sayed Alemi Balkhi, disagreed on this. According to Bjelica, Balkhi has said he believes "all asylum seekers who have reached their countries of destination should be recognised without any kind of discrimination" (Bjelica, 2016, p. 3). His opinion was that Afghans who were arriving to Europe should be granted protected refugee status, should not be treated differently from Syrians and Iraqis and that forced deportation was not a solution Afghanistan accepted (Bjelica, 2016, p. 3). Dr Abdullah's deputy spokesperson, Javid Faisal, assured AAN on 21 September 2016 that both sides of the National Unity Government supported the agreement (Bjelica, 2016, p. 3).

The agreement was based on the premise that all returns should be on a voluntary basis, and that no more than 50 Afghans per flight could be returned to Afghanistan (Bjelica, 2016, p. 3). Vulnerable categories were not included in this agreement and, therefore, could not be returned and all returnees should be financially supported by the EU (Bjelica, 2016, p. 3). However, the JWF agreement also includes forced return (Bjelica, 2016, p. 3). It is not illegal to deport people who have been rejected in their asylum claim under International Refugee Law and International Human Rights Law (Bjelica, 2016, p. 3). This is based on the presumption that persons who enter another country without permission can be deported, with the exception of anyone who makes a claim for asylum and is judged to be a refugee or given legal status on humanitarian grounds (Bjelica, 2016, p. 9). Under the two branches of law mentioned above, it is not illegal to deport people as long as it is not dangerous for the person to return to the home country (Bjelica, 2016, p. 3). Looking at the issue from another point of view, there is no legal requirement for Afghanistan to take back their citizens (Bjelica, 2016, p. 3). In October 2016, the National Unity Government of Afghanistan and the EU signed the JWF agreement (Majidi, 2017, p. 10). The JWF agreement between Afghanistan and EU aims to:

*... establish a rapid, effective, and manageable process for a smooth, dignified, and orderly return of Afghan nationals who do not fulfil the conditions in force for entry to, presence in, or residence on the territory of the European Union, and to facilitate their reintegration in Afghanistan.* (European Union and the National Unity Government of Afghanistan, 2016, p. 10)

According to Nassim Majidi (2017), the JWF requires that migrants who had their asylum claim rejected in Europe can choose to return voluntarily before they will be removed by force (Majidi, 2017, p. 11). For a period of six months between October 2016 and April 2017, the agreement allowed for 50 forced returnees to Afghanistan per flight (Majidi, 2017, p. 11).

## 2.5 IOM and return

According to Afghanistan Analyst Network's Jelena Bjelica and Thomas Ruttig, an increasing number of Afghans have been returning voluntarily and involuntarily to Afghanistan and the number of voluntary returnees from Europe reached a total figure of over 8,000 throughout 2016 and in the first four months of 2017 (Bjelica & Ruttig, 2017, p. 1). Over the same period, the number of deportations was around 350 (Bjelica & Ruttig, 2017, p. 1). Bjelica and Ruttig

examine the trends, policies and practices which are relevant to those who have returned to Afghanistan. IOM assisted 6,864 Afghans to return to their country of origin through the Afghanistan Voluntary Repatriation (AVR)<sup>1</sup> programme (Bjelica & Ruttig, 2017, p. 2). IOM recorded approximately 200 returns a week between January and September 2016 (Bjelica & Ruttig, 2017, p. 2). IOM assisted 1,322 voluntary returnees from 17 countries by the end of April 2017, among which there was ten EU members with 1,067 returns through the AVR programme (Bjelica & Ruttig, 2017, p. 2). According to Bjelica and Ruttig, the JWF agreement allows host countries to operate international flights to Afghanistan in order to repatriate asylum seekers who had their application rejected (Bjelica & Ruttig, 2017, p. 3). The JWF document states how many returns are allowed, and the calculation indicates that approximately 5,000 deportees and 5,000 voluntary returnees were expected a year (Bjelica & Ruttig, 2017, p. 3). Bjelica and Ruttig argue that due to the high numbers of voluntary returns in 2016 and low numbers of deportations in the same period, it could be expected that there would be more than 5,000 voluntary returnees in 2017 (Bjelica & Ruttig, 2017, p. 3). Between October 2016 and April 2017, 12 planes with 176 Afghan deportees from Europe landed in Kabul (Bjelica & Ruttig, 2017, p. 3). Nassim Majidi looks at three categories, defined by IOM, that migrants and refugees return from Europe can be divided into:

*(1) Voluntary without compulsion, including the repatriation of migrants; (2) voluntary under compulsion when persons are at the end of their temporary protected status, rejected for asylum, or unable to stay and choose to return of their own volition; (3) involuntary, as a result of the issuance of a deportation order by the authorities of the host state. (IOM; Majidi, 2017, p. 10)*

Majidi argues that although there has been a growing interest and investment in voluntary and forced return programmes on the part of European governments, there are several challenges to implementation of the return policy (Majidi, 2017, p. 12). The first challenge is that voluntariness of return has been questioned (Majidi, 2017, p. 12). According to Majidi, analysts and advocates have questioned if assisted return can be considered as voluntary (Majidi, 2017, p. 12). He used the Norwegian Directorate of Immigration as an example, as they have stopped using the term “voluntary” returns and the Norwegian Directorate of Immigration instead use “assisted returns” (Majidi, 2017, p. 12). The second challenge is that it has been difficult to

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<sup>1</sup> The AVR programme differs from IOM’s Assisted Voluntary Return and Reintegration (AVRR) programme as AVRR also includes reintegration.

achieve effective dialogue between Afghan and European partners. While Ministry of Refugees and Repatriation (MoRR) engaged directly with foreign embassies in Kabul to coordinate returns, these issues are discussed at a presidential level (Majidi, 2017, p. 12). The reorganisation of migration policies has accomplished more structured coordination and communication between partners in Afghanistan and abroad (Majidi, 2017, p. 12). MoRR is not as included in the planning of returns anymore, which makes it difficult for them to obtain full lists of deportees from the countries initiating their returns (Majidi, 2017, p. 12). Majidi argues there is a lack of communication, which has made it difficult for Afghan authorities to keep track of returns, to identify services and to provide assistance to returnees from Europe (Majidi, 2017, p. 12). The third challenge Majidi discusses is that “the focus is largely on returning refugees and IDPs, with less priority given to returns from Europe due to funding and structural constraints” (Majidi, 2017, p. 12). Positive development and promises to address the situation of returnees from region (Pakistan and Iran), returnees from Europe, and IDPs, are represented in Afghanistan’s National Policy Framework for Returnees and IDPs of 2017 (Majidi, 2017, p. 12). Majidi argues that although returnees from Europe are included in the framework, they are being assisted by international organisations rather than the government in practice (Majidi, 2017, p. 12).

According to IOM’s Post-Return Monitoring Survey (2019), a total of 2,048 respondents have participated in the survey after their return from 17 March 2019 to 21 April 2019 (IOM, 2019). 85.4% of the respondents have been satisfied with IOM assistance, 12.2% answered “somewhat” and 2.4% were dissatisfied with IOM assistance (IOM, 2019). In response to the question about if the respondents are living in the provinces of their origin, 63.8% answered yes and 36.2% answered no (IOM, 2019). Those who answered “no” said it was because of fear, employment, better economic situation and location of family (IOM, 2019). When they asked the respondents if the respondent/their family face any difficulties with the host community, and what types of difficulties they face, 90.5% answered yes and 9.5% answered no. The biggest challenges they are facing are employment, poverty and no land or housing (IOM, 2019). In response to the question about if returnees are able to access healthcare, 47.1% answered no, and 82.8% of the reasons are because of the cost of care (IOM, 2019). Cash is the most important need to the household in their post-return period (IOM, 2019).

## 2.6 National policy on returnees and reintegration

The situation in Afghanistan shows that it is difficult to achieve effective and meaningful implementation of legal and policy instruments to help incorporate the Guiding Principles into national legislation or policy frameworks (Majidi & Tyler, 2018, p. 31). The Government of Afghanistan approved a National IDP policy in 2013, which they used two years to make (Wiseberg, 2014, p. 10). A New York Times article in 2012 reported that IDP children were freezing to death when approximately 500,000 Afghans were internally displaced because of conflict, and as well as million displaced as a result of natural disaster and development projects (Wiseberg, 2014, p. 10). The former President, Hamid Karzai, wanted to take action regarding the IDP situation and set up a task force, the MoRR and the Afghanistan Natural Disaster Management Authority (ANDMA) (Wiseberg, 2014, p. 10). They established a Policy Working Group, organised a visit from the UN's Special Rapporteur on the Human Rights of IDPs, included an external IDP expert to assist in the group and held a workshop over two days in 2012 (Wiseberg, 2014, p. 10).

According to UNHCR, Afghanistan's new IDP policy goals are to protect the rights of the displaced, aim to find solutions for people who are affected by conflict and natural disaster and set out the responsibilities and roles of the different government ministries and humanitarian partners (UNHCR, 2014). To draft this new policy, UNHCR provided support and technical assistance to Afghan authorities (UNHCR, 2014). UNHCR argues that over 124,000 became displaced in 2013 and that the government should acknowledge central responsibility to prevent conditions which are leading to displacement utilising the policy on IDPs that was established in 2013 (UNHCR, 2014). The idea behind the policy is that: (1) communities which were hosting IDPs and Afghan refugee returnees who were not able to return to their areas of origin should be supported, (2) the displaced would not lose the rights or entitlements enjoyed by other citizens and (3) a recognition that all Afghans should have the rights to freedom of movement and residence in Afghanistan (UNHCR, 2014). With the implementation of the policy, Afghans have the right to integrate in the area where they are living and can return to their place of origin or relocate to a new place (UNHCR, 2014). If their lives are at risk, displaced people will not, under any circumstance, be encouraged or compelled to return or relocate (UNHCR, 2014).

At the time the policy was established, UNHCR was prepared for the Afghan government to face challenges implementing the policy and UNHCR, together with other humanitarian agencies, was ready to assist Afghanistan in finding solutions for IDPs (UNHCR, 2014). Laurie

S. Wiseberg (2014) points at four challenges faced in drafting the policy. One of the challenges she introduces is that it was difficult to engage different ministries to provide assistance with the policy and, as a result, some of the inputs happened during one-to-one meetings (Wiseberg, 2014, p. 10). Local corruption in government departments has been and still is a serious challenge for progress in implementing this policy (Wiseberg, 2014, p. 10). The second challenge was engaging wider participation. The IDP Policy Working Group that was set up to assist MoRR in the drafting process was a group of international humanitarian agencies (Wiseberg, 2014, p. 11). She argues that attempts to engage ACBAR (Agency Coordinating Body for Afghan Relief) and the Afghan Human Rights Commission or any national Afghan NGOs were unsuccessful. Samuel Hall and TLO (The Liaison Office) were engaged in input for research, but these were exceptional cases (Wiseberg, 2014, p. 11). Wiseberg argues that because of the security situation and limited access in many provinces, it was a challenge to engage with governors and other local officials who could be relevant for implementation (Wiseberg, 2014, p. 11). The third challenge was holding meaningful consultation with IDPs because of a lack of representative structures to cooperate and express their views (Wiseberg, 2014, p. 11). The discussions with a particular group of IDPs were always about specific needs such as water, food, healthcare, jobs and education and did not go into other issues (Wiseberg, 2014, p. 11). The fourth challenge was to address the key issues. While mayors, governors and other authorities wanted the IDP issue dealt with, the only solution they had was “return” (Wiseberg, 2014, p. 11). Local integration or resettlement was not on their agenda and the policy idea of giving land to an IDP from another province was a difficult concept (Wiseberg, 2014, p. 11). The IDP policy made it clear that it was important to accept the durable solutions and that local integration was important for protracted IDPs and for returning refugees who were unable to go back to their places of origin (Wiseberg, 2014, p. 11). Persons displaced due to development projects were also included in the national policy (Wiseberg, 2014, p. 11). Wiseberg argues the policy is a tool which can be used to support the rights of IDPs, to provide guidance and to improve the quality of life for Afghan IDPs (Wiseberg, 2014, p. 11). The drafters met a lot of challenges while establishing this policy, but the biggest challenge they faced was implementation of the policy (Wiseberg, 2014, p. 11). It was hard to ensure that the policy would actually inform programming, action and legislation and to establish who was responsible for the policy’s implementation (Wiseberg, 2014, p. 11). It took a lot of energy to set out the responsibilities of the different ministries, coordinating bodies, local and provincial authorities, civil society and international humanitarian and development communities (Wiseberg, 2014, p. 11).

According to Nassim Majidi and Dan Tyler, the level of ownership of the IDP policy was decreased by not having Afghan partners leading the drafting case, as it was led by a protection specialist assisted by the UN Refugee Agency (UNHCR) and MoRR (Majidi & Tyler, 2018, p. 1). Most of the practice around Afghanistan's IDP policy was not necessarily coordinated with the policy, although not necessarily in disagreement with it either (Majidi & Tyler, 2018, p. 32). The IDP policy did not contribute to a nationwide system of IDP registration, but rather delegated identification and verification of IDPs to the local Directorates of Refugees and Repatriation (DoRRs) (Majidi & Tyler, 2018, p. 32). A new application system was introduced as the main system for registration of IDPs and plan of humanitarian assistance, where the feedback from users was not positive (Majidi & Tyler, 2018, p. 32). Majidi and Tyler argue that as the new system was restricted to government-controlled areas, DoRR offices required that IDPs had to visit in person to submit an application, which meant that it did not accept lists from organisations and those who are unable to travel to register were excluded (Majidi & Tyler, 2018, p. 32). Another reason was that protracted IDPs and those who were displaced many times were excluded from applying because applicants are only allowed to apply once, even if their needs remain or if they move to a new province (Majidi & Tyler, 2018, p. 32).

Because of the challenges derived from lack of organised documentation, registration systems for returnees, coordination on forced displacement issues and policy instruments on returnees and IDPs, the Government of Islamic Republic of Afghanistan adopted a new policy for returnees – the National Policy Framework for Returnees and IDPs – in March 2017 (National Authorities, 2017, p. 31). The Policy Framework aims to arrange a non-fragmented, holistic and coordinated response to the issues of returnees and IDPs and to enforce the IDP policy (National Authorities, 2017, p. 31). The National Policy Framework aims to provide response in three stages: (1) humanitarian stage, where the focus is on identification and the arrangement of emergency support; (2) integration stage, which is to receive returnees and IDPs and take the host areas into account; and (3) focus on the employment, livelihoods and market support (National Authorities, 2017, p. 31).

Majidi and Tyler argue that no implementation has taken place in Afghanistan regarding IDPs and returnees, and that a few actions could have, perhaps, changed this issue (Majidi & Tyler, 2018, p. 34). The first action is that the Special Rapporteur on the Human Rights of IDPs should have been more engaged and nationally focused to support the IDP law and policy making (Majidi & Tyler, 2018, p. 34). They point at the lack of international institutional support for countries who want to integrate new policies into national response plans or to legislate for

certain rights, protection and assistance for IDPs (Majidi & Tyler, 2018, p. 34). The second action that should have been done was to involve civil society organisations (CSOs) and national support (Majidi & Tyler, 2018, p. 34). The Afghan civil society was neither appropriately updated nor involved in the process of policy making (Majidi & Tyler, 2018, p. 34). To involve CSOs and local NGOs could have played an important role in evaluating the implementation of national instruments on IDPs (Majidi & Tyler, 2018, p. 34). The third action that could have perhaps changed this issue could be a longer-term funding commitment; that means funding which was not limited to some trainings or workshops, but rather a specific programme of dedicated implementation support for the MoRR (Majidi & Tyler, 2018, p. 34).

## 2.7 From post-returns to IDPs

Marieke Van Houte, Melissa Siegel and Tine Davids introduce the concept of multidimensional and multi-local embeddedness to study the multi-sited and complex experience of migrants. They look at differences between voluntary and involuntary returnees by exploring the interplay between migration experience, socio-economic background, post-return embeddedness and mobility (Van Houte, Siegel, Davids, 2014, p. 693). Multidimensional embeddedness is used to explain how individual economic actions are embedded in dependent factors such as social networks. The concept of embeddedness was introduced by Granovetter (1985) who used immigrants as an example to show how contextual factors impact economic action; “foreign-born communities represent one of the clearest examples of the bearing contextual factors can have on individual economic action” (Van Houte et al., 2014, p. 693). The idea of mixed embeddedness, introduced by Kloosterman et al., explains the constant interplay between agency and structure. Despite the fact that an actor’s choice is, to some extent, determined by structure, actors also have a certain level of agency over their own choices which can redefine structures (Van Houte et al., 2014, p. 693).

During their fieldwork, they faced a methodological challenge: returnees from Europe proved to be a hidden population for several reasons (Bloch, 2008; Van Houte et al., 2014, p. 694). (1) Returnees who came from industrialised countries are not so many in number. (2) There is not a central administration or monitoring system for returnees, which makes them hidden upon return to Afghanistan (Eastmond, 2007; Jacobsen & Landay, 2003; Van Houte et al., 2014, p. 694). (3) Involuntary returnees do not want to expose themselves when they get back to Afghanistan, in contrast to voluntary returnees who are visible in society (Van Houte et al., 2014, p. 694).

Liza Schuster and Nassim Majidi (2015) explore the stigma of failure and of corruption attached to those who are deported to Afghanistan and the way the returnees respond to and manage this stigmatisation, as well as by re-migrating. They argue that deportation creates at least three reasons for re-migration and for that choice to be the most likely outcome; these reasons include family commitments, debt and shame of failure (Schuster & Majidi, 2015, p. 635-636). Deportation challenges established norms in host states, and these is one the reasons why returnees may experience discrimination and shame due to the conflict between what is socially expected and reality (Gomes, 2012, p. 2; Schuster & Majidi, 2015, p. 640). Schuster and Majidi present Carling and Hernanzes-Carratero's analysis of Senegalese migrants' reflections on the feeling of shame; "Returnees are not only frustrated and angry but also speak of a sense of shame in relation to having failed and coming home empty-handed" (Carling & Hernandez-Carratero, 2008, p. 4; Schuster & Majidi, 2015, p. 642). Those who are deported are also forced to rebuild a spoiled identity for themselves (Goffman, 1963; Schuster & Majidi, 2015, p. 643). Those who have been deported may try to hide their deportation by changing the narrative of deportation and claim they are only visiting, but in reality, are saving money to leave again (Schuster & Majidi, 2015, p. 644). It is difficult to avoid being exposed since returning without gifts and money to the family members is hard to explain. If the deported returnee has the resources, he/she can create a new life in the country of origin and forget their deportation experience (Schuster & Majidi, 2015, p. 644).

## 2.8 IDP

Alpaslan Özerdem and Abdul Hai Sofizada focus on returnee-refugees in a post-war situation and look at the challenges of establishing a durable return and sustainable reintegration in Afghanistan (Özerdem & Sofizada, 2006, p. 75). They look at the context of returnee integration in a country where there are several challenges, such as security, politics, disputes, restitution and livelihoods (Özerdem & Sofizada, 2006, p. 76). Özerdem and Sofizada argue that because of the increased number of repatriations, return sustainability and durability raise serious questions and they highlight the need for a "...solution whose durability must be in reach from the outset" (UNHCR, 2002, p. 1; Özerdem & Sofizada, 2006, p. 77). They define the term "reintegration" as:

*... a process which enables formerly displaced people and other members of their community to enjoy a progressively greater degree of physical, social, legal and material security...*

*reintegration entails the erosion—and ultimately the disappearance—of any observable distinctions which set returnees apart from their compatriots, particularly in terms of their socio-economic and legal status.* (UNHCR, 2003, p. 159; Özerdem & Sofizada, 2006, p. 77)

Return-reintegration is a key focus for human rights agencies, political and military decision-makers, development actors and governments, as well as the aid community (Özerdem & Sofizada, 2006, p. 78). They argue that return-reintegration is not only about physical re-adjustment, but a process closely linked to the task of reconciliation after war (Özerdem & Sofizada, 2006, p. 78). They use the term “integral reintegration assistance”, which is a reintegration assistance that relies on responding to the needs of returnees at the larger community level, where all are targeted equally for post-war recovery.

As mentioned in Section 1.3 Definitions, the UN Guiding Principles define IDPS as individuals or groups of persons who: (1) have been forced to flee their home due to armed conflict, generalised violence, human rights violations, and natural or human-made disasters and (2) have not crossed a state border (OCHA, 2014, p. 1). Afghanistan’s national policy on internal displacement has the same definition set out in the Guiding Principles (The Islamic Republic of Afghanistan, 2013, p. 16).

A research study on the challenges of IDP protection in Afghanistan by the Norwegian Refugee Council (NRC) shows there is a high chance that returnees who are able to return to their place of origin may be displaced again because of ongoing conflict in the country (Hall, NRC & iDMC, 2018, p. 16). Returnees from areas that are affected by the ongoing conflict may be incapable of returning to their homes and even their province of origin and may have to stay with friends or relatives or search for a job in an urban area instead (Hall, NRC & iDMC, 2018, p. 16). There are two factors which may affect Afghan returnees living in internal displacement and, thereby, result in becoming a “returnee-IDP”, which are described as “they are unable to settle in their places of origin because of socioeconomic issues such as the loss of property and assets, or a lack of livelihood opportunities or other services as a consequence of their displacement” (Hall, NRC & iDMC, 2018, p. 6). The findings from the 2017 REACH report *Separated Families: Who stays, who goes and why?* conclude that not all refugees who travel to Europe from a refugee affected country plan to reunite with their families (REACH, 2017, p. 2). Some of the families are planning for a temporary separation and have the desire to reunite

as soon as possible upon their arrival in their destination, while other families never intend to travel together (REACH, 2017, p. 2).

## 2.9 The main roles and responsibilities of international and local actors

While the responsibility for issues like land lies with the government, the capacity of local and national institutions to deal with many issues in the complicated process of returnee integration warrants committed and constructive engagement by the international aid community in Afghanistan (Özerdem & Sofizada, p. 91). A number of international organisations and NGOs are involved in the process of return and reintegration, and UNHCR is the central agency responsible for the return and reintegration process (Özerdem & Sofizada, p. 91). Engagement of international actors in Afghanistan shows that there has been a focus more on physical reconstruction rather than social reconstruction; the issue of land, for example, which bears a strong social aspect, renders out of the spectrum (Özerdem & Sofizada, p. 91).

### 2.9.1 International organisations

According to UNHCR's Global Focus (2019), their ability to facilitate voluntary repatriation and sustainable reintegration in Afghanistan will depend on the situation in the country, as well as peace talks with Taliban and the internal dialogue and reconciliation process in Afghanistan (UNHCR Global Focus, 2019). UNHCR's expectations are approximately 60,000 refugee returns to Afghanistan, although the number of returns in 2020 may increase or decrease depending on protection in Afghanistan (UNHCR Global Focus, 2019). It is also expected that internal displacement as well as complex political and security developments will continue in 2020 (UNHCR Global Focus, 2019).

UNHCR aims to deliver three strategic objectives aligned with the Government of Afghanistan's national priorities: (1) An effective response to protection risks of people of concern, focusing on distributing a voluntary repatriation cash grant of 200 USD to each refugee-returnee and to respond to their protection risks and needs in the phases of their return and reintegration. By this, UNHCR is working on advocacy and policy guidance to the government to make sure the national legal framework is on par with international standards (UNHCR Global Focus, 2019). (2) UNHCR wants to engage with the government and the communities to make sure that the living conditions are improved in areas of returns and displacement (UNHCR Global Focus, 2019). The focus will be on education, livelihood, healthcare, skill building and innovative energy support in different priority areas of return and

reintegration (UNHCR Global Focus, 2019). (3) The third aim is to act as a motivator in supporting and facilitating a comprehensive and people-centred response to strengthen protection (UNHCR Global Focus, 2019).

Some of UNHCR's programmes include promoting gender equality specifically, the rule of law and human rights more broadly, as well as investing in livelihoods and education (Türk, 2019, p. 65). The focus of UNHCR's programmes is to engage with affected individuals and communities (Türk, 2019, p. 65). According to Türk, the UNHCR's Age, Gender and Diversity policy promotes a community-based approach with participants of stateless and displaced people included in decisions which affect their lives (Türk, 2019, p. 65). Women are heard in peace negotiations and UNHCR promotes sustainable voluntary return in post-conflict contexts by securing access to justice; UNHCR also supports the reintegration and helps make the gap towards peace smaller (Türk, 2019, p. 65). Türk argues that ending statelessness is an effective aid to address one root cause of conflict and forced displacement, which UNHCR is encouraging through the #IBELONG campaign (Türk, 2019, p. 66). Reforms to nationality laws and further accessions to the Statelessness Convention are indicators of the positive energy which is taking place (Türk, 2019, p. 66). UNHCR's guidance on their engagement with IDPs outlines a number of different areas we can contribute to promoting (Türk, 2019, p. 66). Türk argues that early warning systems and contingency planning could have guided European responses to the arrivals of refugees across the Mediterranean in 2015 – at the time when the numbers of refugees started to increase; in this way, a lot of chaos and trauma could have been avoided (Türk, 2019, p. 66).

The IOM's AVRR programme provides financial, logistical and administrative support, as well as reintegration assistance to migrants who are unable or unwilling to remain in host countries and who decide to return to their place of origin (IOM, 2019). IOM's key principles are: *voluntariness, migrant-centred response, safety, sustainability of reintegration, confidentiality, dialogue and partnership* and *evidence-based programming* (IOM, 2019). For asylum seekers who have their application rejected and choose to return voluntarily, IOM offers return information, assistance with applying for travel documents, all travel arrangements to Afghanistan, assistance at departure, transit and arrival, financial support for reintegration upon arrival in Afghanistan as well as transport assistance to their final destination when they arrive to the airport in Afghanistan (IOM, 2002, p. 1). When the returnee arrives to Afghanistan, IOM

offers limited follow-up, if the returnee desires and if it is possible to offer the assistance that is being asked for (IOM, 2002, p.2).

### 2.9.2 NGOs

According to the NRC, Afghans receive less assistance and support the longer they are displaced (NRC, 2018, p. 4). Refugee-returnees in Afghanistan can find themselves in a situation of displacement upon their return (NRC, 2018, p. 5). The NRC argues that global and regional policies on Afghanistan need to recognise that returnees often can become IDPs when they do not receive the assistance and support required to integrate sustainably and when they are unable to do so themselves (NRC, 2018, p. 5). A case study by NRC, the Internal Displacement Monitoring Centre (IDMC) and Samuel Hall in 2017 looks at the challenges returnees face when they are returning to displacement. They have three findings (NRC, 2018, p. 5). The first finding is that returnee-IDPs are trying to make a new life for themselves in rural areas rather than urban areas (NRC, 2018, p. 5). Location plays an important role for the returnees in determining their protection and assistance needs when it comes to registration, access to housing, aid and health services (NRC, 2018, p. 5). Secondly, difficulties for returnees overlap with those of other IDPs, which means that both returnees and IDPs lack information they need to make dignified choices about their future (NRC, 2018, p. 5). The third finding is that approximately three quarters of the returnee-IDPs prefer to restart their lives locally, as well as local integration rather than to go back to their place of origin. This means that many returnees do not want to return to the province they are originally from (NRC, 2018, p. 5).

According to Ingrid Macdonald, the Head of Advocacy for the Norwegian Refugee Council, NRC has constructed hundreds of shelters in Northern, Eastern, Central and Western Afghanistan to assist returnees since 2006 (Macdonald, 2011, p. 3). NRC provides families with a shelter kit, construction skills, and hygiene promotion training as well as quality monitoring support (Macdonald, 2011, p. 3). The population in Afghanistan has doubled since the 1980s, which makes the repair and construction of shelter necessary; in addition, 500,000 homes have been damaged or destroyed (Macdonald, 2011, p. 3). Through their Information Counselling and Legal Assistance (ICLA) programme, NRC assists millions of Afghans in resolving their land or property challenges as well as fulfilling other needs (Macdonald, 2011, p. 3). The ICLA programme works on trying to actualise the rights of IDPs as well as returnees, and NRC is one of few organisations that is currently providing free legal assistance to the Afghan people for land, property and housing challenges (Macdonald, 2011, p. 3). In addition to the ICLA

programme, NRC has trained many judges, community elders and lawyers in property law to promote the application of Afghanistan's codified laws rather than traditions that are applied in the traditional system (Macdonald, 2011, p. 3).

The civil documentation (Tazkera) is important to actualise rights in Afghanistan and happens to be evidence of one's nationality (NRC, 2019, p. 23). You cannot open a bank account without having a Tazkera and in some public schools they do not allow children of parents without a Tazkera to have access to the school (NRC, 2019, p. 24). The difficulties of obtaining a Tazkera mostly have to do with the conflicts and that returnees are not able to go to their original districts. According to NRC, women are less likely to hold a Tazkera, as well as other forms of documentation (NRC, 2019, p. 23). Accessing documentation is more difficult for women as well, as the perceived need for documentation is lower (NRC, 2019, p. 23). Women's autonomy and their role as economic agents is limited (NRC, 2019, p. 23).

Considering my interest on understanding the role of local NGOs helping returnees, the Afghanistan Migrants Advice and Support Organisation (AMASO), was one of the local non-governmental organisations that was suitable for this thesis. AMASO addresses and advocates for returnees that are currently displaced in the country. The local NGO is seeking to actualise their rights in the reintegration process in Afghanistan. AMASO was established in 2014 due to the increasing number of Afghan returnees (The Paris Globalist Team, 2018). The organisation makes sure to document the stories of Afghans who were forced back to Afghanistan and advocates for their rights to stay in safety and with dignity in Europe and Australia (The Paris Globalist Team, 2018). They provide support and counselling for recent returnees to Afghanistan (The Paris Globalist Team, 2018). AMASO claims that many returnees end up living under a bridge because of the lack of governmental assistance and support systems for them (AMASO, 2019; Finnish Immigration Service, 2019, p. 12). Although some returnees receive reintegration assistance packages provided by the host countries they are repatriated from, AMASO worries that returnees have to wait for three to nine months to receive the assistance (AMASO, 2019; Finnish Immigration Service, 2019, p. 12). AMASO highlights this is too long of a time to live without any economic or social network and without employment opportunities (AMASO, 2019; Finnish Immigration Service, 2019, p. 12).

### 3 THEORETICAL FRAMEWORK

The concepts of homo sacer, bare life, state of exception, rightlessness and humanitarian reason contribute to further understanding of Afghan returnees and the challenges they are facing. In addition, the concept of border crossing will be used to describe the immobility of migrants. To answer the research questions of this thesis, an understanding of these concepts will be informed by Hannah Arendt, Giorgio Agamben, Didier Fassin and Jennifer Hyndman. The thesis will argue that a broader understanding of being excluded from the state, repression within the state and returnees' post-return experiences, are important in order to investigate the main challenges for Afghan returnees.

#### 3.1 Exclusion from the state and repression within the state: Conceptual contributions from Hannah Arendt and Giorgio Agamben

In *The Origins of Totalitarianism*, Hannah Arendt states there is only one universal right that should be enjoyed by all and it is not dependent on race or nation. The only criterion one needs to meet in order to enjoy the universal right is being human. This universal right is “the right to have rights” (Arendt & Power, 2004, p. 296). Arendt tells about her own experience of being a refugee who lost her status as a citizen and, thereby, lost all claim to human rights (Birmingham, 2006, p. 35). Arendt describes the feeling of being left outside the law and not belonging to any political community, where she and other refugees were made smaller to “mere naked human beings” in a “condition of complete rightlessness” (Arendt & Power, 2004, p. 296). She argues the most devastating aspect is the world not finding anything sacred in the “abstract nakedness” of being human and describes it as:

*... if a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declaration of such general rights provided. Actually, the opposite is the case. It seems that a man who is nothing, but a man has lost the very qualities which make it possible for other people to treat him as a fellow man. (Arendt & Power, 2004, p. 300)*

Arendt suggests a radical critique of the modern formulation of human rights, considering the circumstances of being made smaller, to inherently have “the right to have rights” based on being a mere human being. She argues these supposedly absolute universal human rights were, from their inception, tied together to the sovereignty of people (Birmingham, 2006, p. 36).

According to Arendt, the right of action and opinion and the right to belong to a political community are more fundamental than the rights of justice and freedom:

*We became aware of the existence of a right to have rights, as well as the right to belong to some kind of organised community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation. (Arendt & Power, 2004, p. 296-297)*

Her theoretical reformulation of the fundamental right to have rights appears out of her reflection on the initium. In other words, in Arendt's Philosophy of Natality that makes every human being a beginner (Arendt, 2006, p. 36). Arendt is grateful to Augustine's insight: "That there might be a beginning, man was created before whom nobody was" (EU, 321; Birmingham, 2006, p. 36). Arendt is referring to the principle of initium: "the freedom to call something into being which did not exist before, which was not given, not even as an object of cognition or imagination, and which therefore, strictly speaking, could not be known" (Arendt & Kohn, 2006, p. 151). She argues the principle of initium allows for a radical reformulation of the modern framework of human rights, such as the rights of freedom and agency which are rooted in the more fundamental right of action and speech. She also argues the right of sovereignty, individual and collective, is replaced with the right to belong to an organised political space with essential plurality of actors (Birmingham, 2006, p. 36).

Arendt's formulation of the right to have rights is largely built on a critique of the notion of sovereignty, and not on the "fiction of human nature" (Birmingham, 2006, p. 54). She claims that a notion of sovereignty constructs the modern formulation of human rights (Birmingham, 2006, p. 54). According to her analysis, it might be possible to reformulate the notion of human rights by thinking of a notion of power and rights that are not connected to the notions of sovereignty and national citizenship (Birmingham, 2006, p. 54). Arendt's understanding of freedom is political, in the "I am able" and not in "I will", in contrast to Augustine, who understands freedom as located in a subjective will. She argues that freedom will always be the freedom to move and is worldly by its definition (Birmingham, 2006, p. 54). For Arendt, freedom is "experienced in the process of acting and nothing else" (Birmingham, 2006, p. 55). She separates her understanding of freedom from power and argues that "I am able" must be understood as the strength to act in a public space and to move in a space of freedom with other people (Birmingham, 2006, p. 55).

Arendt's theory of power can be an important tool in order to understand how returnees that are currently displaced in Afghanistan perceive their rights and main challenges to their reintegration process, and how the policies in Afghanistan regarding reintegration address the challenges of protecting the rights of returnees. Arendt's understanding of power is that "Power comes into being only if and when men join themselves together for the purpose of action, and it will disappear when, for whatever reason, they disperse and desert one another" (OR, 175; Birmingham, 2006, p. 55). Arendt's understanding of power is that power is produced by power and that it has to be in relation to other powers in order to be powerful (Birmingham, 2006, p. 55). According to Arendt, action demands a plurality of actors, which also means that power must be understood as the only "human attribute which applies solely to the worldly in-between space by which actors are mutually related" (Birmingham, 2006, p. 55).

According to Arendt, power denotes the ability to act in concert with others, which means that "the power structure itself precedes and outlast all aims, so that power, far from being the means to an end, is actually the very condition enabling a group of people to think and act in the means-end category" (Birmingham, 2006, p. 55). Therefore, she argues that "full-blown" terror is caused by the attendance of an absolute violence without the attendance of power (Birmingham, 2006, p. 55). For Arendt, power, which is only present when people act in concert, has disappeared, and the difference between tyranny and totalitarianism is that totalitarianism even turns against the power of its friends (Birmingham, 2006, p. 56).

Arendt's understanding of law is that it is neither sovereign nor dominating, neither commandment nor enforced standard, but she suggests that the law must be understood as a regulator of different spheres of power – as a way to think multiplicity of power with rule (Birmingham, 2006, p. 56). Arendt argues that laws are no more than the relations that exist and maintain different dimensions of power and, therefore, are relative by definition (Birmingham, 2006, p. 56).

To better understand the challenges returnees are facing in their path from a refugee to an IDP, Giorgio Agamben's concepts on the relation of human life to political power were selected. In *Homo Sacer: Sovereign Power and Bare Life*, Agamben investigates what constitutes zones of indistinction and who the people inhabiting these places are. His work in *Homo Sacer* is influenced by Michel Foucault's notion of biopolitics (Foucault, 1976, p. 248). An

understanding on Foucault's concept of biopolitics is essential here. Foucault (1976) is concerned with the question: "Who has the right to decide over life and death and who is deemed to be worthy of living?" Biopolitics' function is to improve and lengthen life and to make it more productive. The improvement of life became the state's function instead of putting to death, the "ritualization" of death started to disappear, and death became something to be hidden. "Death now becomes, in contrast, the moment when the individual escapes all power, falls back on himself and retreats, so to speak, into his own privacy. Power no longer recognises death. Power literally ignores death" (Foucault, 1976, p. 248). Foucault presents his analyses of power in different texts, but in *The History of Sexuality* (1998) he explores how the creation of modern disciplines and the principles of order and control contribute to "disindividualized" power, to show that power exists in the school, the prison and so on. He challenges the idea that power is controlled by people or groups by way of a "sovereign" act of domination; "power is everywhere" and "comes from everywhere" so power is neither a structure nor an agency (Foucault, 1998, p. 63). Foucault argues that power is some kind of "regime of truth" that affects the society strongly, and which is in constant change and negotiation (Foucault, 1998, p. 63). To imply that power is formed through accepted forms of knowledge, truth and scientific understanding, Foucault uses the term "power/knowledge" (Foucault, 1998, p. 64).

Agamben claims that biopolitics can be related to the origins of Western politics in Greece and Rome, and that the original act of the sovereign is the creation of bare life or sacred life. Agamben argues the sovereign and biopolitics are tied together from the beginning: "Not simple natural life, but life exposed to death (bare life or sacred life) is the originary political element" (Agamben, 1998, p. 88).

Agamben is referring to homo sacer, a figure who can be killed, is excluded from society and deprived of humanity (Agamben, 1998, p. 71). To define homo sacer, Agamben starts with the definition of the word "life": zoë – all living beings, such as animals, men or even gods – and bios – "the form of living proper to an individual or a group" (Agamben, 1998, 1). Zoë and bios are not separated and there is a point where they begin to overlap. Agamben's theory is based on the places where zoë and bios, these two forms of life, overlap. He argues the distinction between these two forms lies at the foundation of Western democracy: "The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoë/bios, exclusion/inclusion" (Agamben, 1998, p. 8). Agamben focuses on the lives lived on the fringe, even though they are political, juridical or social, and this is when the figure homo sacer arises.

Homo sacer is defined by Pompeius Festus, who preserved the memory of a figure of archaic Roman law where the character of sacredness is connected to a human life for the first time (Agamben, 1998, p. 71). His definition of homo sacer is as follows:

*The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that “if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide.” This is why it is customary for a bad or impure man to be called sacred.* (Pompeius Festus as cited in Agamben, 1998, p. 71)

Since his natural life, *zoë*, was seen as sacred, he cannot be sacrificed in a ritual ceremony. The homo sacer “presents the originary figure of life taken into the sovereign ban and preserves the memory of the originary exclusion through which the political dimension was first constituted” (Agamben 1998, p. 83). While homo sacer is excluded and banned from society and is free to be killed by anyone without consequence, he is still a subject of the society he has been abandoned by: “What has been banned is delivered over to its own separateness and, at the same time, consigned to the mercy of the one who abandons it – at once excluded and included, removed and at the same time captured” (Agamben, 1998, p. 110). Homo sacer is outside of the law because of exclusion, and is exposed to the constant threat of death which derives from no longer living inside the law. The abandonment is in this manner is not purely exclusion, but an “inclusive exclusion” (Agamben, 1998, p. 8). This is where the differences between *zoë* and *bios* start to overlap. The existence of homo sacer is stripped down to bare life and all his rights taken away, so the only thing that remains is pure *zoë* (Agamben 1998, p. 183). Nevertheless, his *zoë* is politicised where it is caught in the sovereign ban and must find “the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more “political” than his” (Agamben, 1998, p. 183-184). *Bios* and *zoë* include and exclude each other at the same time, which means the life of homo sacer is in a zone of indistinction.

The focus on homo sacer is on the idea of “bare life”, a humanity stripped of all its detailed characteristics (Agamben, 1998, p. 83). The understanding of homo sacer for Agamben stems from the fact that it demonstrates the political relation, as the homo sacer represents “inclusive exclusion” which allows it to “serve as referent of the sovereign decision” (Agamben, 1998, p. 8). “Bare life” is an extension of Agamben’s reflection on language, where he claims that politics exist because man is the human being who, in language, separates and argues himself to his own bare life and keeps himself in relation to that “bare life in an inclusive exclusion”

(Agamben 1998, p. 8). Agamben argues that political life is based on the chance of punishment and particularly the chance of being killed (Agamben, 1998, p. 89). He argues that “the first foundation of political life is a life that may be killed, which is politicised through its very capacity to be killed” (Agamben, 1998, p. 89). Sovereignty is the chance of doing what is excluded, which is killing, to what is excluded, where humans are as animals (Agamben, 1998, p. 83). The sovereign and the one who can be killed are outside the law; the sovereign, is outside the law as he is its guarantor (Agamben, 1998, p. 83). The reduction of life which is lived by groups or individuals to “bare life” is what Agamben sees at work in the Roman legal belief of the homo sacer (Agamben, 1998, p. 83). This situation is identified as “exception” by Agamben, which is the suspension of law which the “state of exception” can appear (Agamben, 1998, p. 82).

The exception is the moment law is founded and is described as neither legitimate or illegitimate, but violent (Agamben, 1998, p. 82). The violence is held back to be reorganised as the exception that guarantees everything else (Agamben, 1998, p. 82). Agamben claims this is not the beginning of authority but a potential that cannot go away, the endless missing part of existing systems (Agamben, 1998, p. 21).

According to Agamben, life is sacred, which means treating the people involved as life which must be saved, instead of in their judicial and political context (Agamben, 1998, p. 133). Agamben argues that, “Even humanitarian organisations ... can only grasp human life in the figure of bare or sacred life, and therefore, despite themselves, maintain a secret solidarity with the very powers they ought to fight” (Agamben, 1998, p. 133). Agamben’s point is that all modern life contribute towards biopolitics and the “decline” to “bare life”, if its through mass killings or rights and “saving” people, and that all “life is sacred and all politics becomes the exception” (Agamben, 1998, p. 148).

Agamben introduces the figure of Muselmann (Muslim), a prisoner who gives up everything and who is living a minimal animal existence, a lack of humanity (Agamben, 2002, p. 47; Simons, 2010, p. 22). This person is the true witness of the concentration camp, and an even truer witness than those who are surviving with their humanity kept (Agamben, 2002, p. 47; Simons, 2010, p. 22). This figure leaves the world of language as well as the sociality and becomes a risk to his fellow prisoners. They are barely human, and with barely it means they are still sort of human (Agamben, 2002, p. 47; Simons, 2010, p. 22). Agamben compares this to the life in Auschwitz and what it does to humans and the human condition (Agamben, 2002,

p. 47; Simons, 2010, p. 22). According to Agamben, “in Auschwitz ethics begins precisely at the point where the Muselmann, the “complete witness”, makes it forever impossible to distinguish between man and non-man” (Agamben, 2002, p. 47; Simons, 2010, p. 23). Agamben claims the Muselmann is the noone who can be there for the witnessing of everything through not really being there. In turn, the Muselmann requires the witness who survives to “become a witness to this impossibility of witnessing that the Muselmann is” (Simons, 2010, p. 23). The witness is never present, but is always the other, even when someone recovers from being a Muselmann and is a survivor of the camp (Simons, 2010, p. 23). The concept of witnessing is not only about describing the horrors of Nazi industrialised mass murder, but is evidence about what is it to be human (Simons, 2010, p. 23). To be a human is a question that is raised when the human is stripped down to bare life (Simons, 2010, p. 23). The witness describes the bare life of the existence of the Muselmann and exposes what it is to be unstable, as well as revealing that “it is not truly possible to destroy the human, that something always remain” (Agamben, 2002, p. 133-34; Simons, 2010, p. 23-4). The Muselmann is the human taken out of the human and is a product of the state of exception; the state of exception is the camp (Simons, 2010, p. 24).

The concept of “state of exception” is described in *Homo Sacer* as a new and stable geographical arrangement occupied by the bare life; the state of exception is defined as the growing separation of birth (bare life) and the nation-state, which means that it is the “hidden regulator of the inscription of life in the order” (Agamben, 1998, p. 175). Agamben calls this separation of the camp. The state of exception is, according to Agamben, an order without localisation, where law is suspended; the camp is seen as the permanent space of exception, which is the localisation without order (Agamben, 1998, p. 175). He points out the system’s inability to work without being converted into a deadly machine (Agamben, 1998, p. 175). Agamben claims the political system does not order forms of life and juridical rules in a certain space, but includes a dislocating localisation that surpasses it and into which every form of life and every rule can be practically taken (Agamben, 1998, p. 175). He argues that the camp as dislocation localisation is the unseen matrix of the politics that we are still living in today and that we have to learn to recognise the structure of the camp (Agamben, 1998. p. 175).

### 3.2. The politics of mobility, border crossing and contemporary states of emergency

*Contemporary States of Emergency* (Fassin & Pandolfi, 2010) introduces the idea of humanitarian emergency, a term which is connected to conflicts and situations for human suffering (Fassin & Pandolfi, 2010, p. 30). It becomes visible through refugees and displaced

people, who send signals about something sad and out of the normal existence of a human being (Fassin & Pandolfi, 2010, p. 31). This leads to Agamben's theory on bare life, the minimum of human existence, which further leads to humanitarian action, where the focus is on the humans who are suffering out of their own control (Agamben, 1998; Fassi & Pandolfi, 2010, p. 34). Fassin's theory on states of emergency leads to humanitarian action, which includes making the international organisations and NGOs aware of the situation and adds motivation to humanitarian responses.

Didier Fassin investigates the moral and political spheres around humanitarianism and asylum and develops reflections on the challenges of a public ethnography. Fassin's (2012) concept of "humanitarian reason" is a globally extensive and a morally untouchable ideology to confront, in which he seeks to straddle two contradictory senses of "ideology": on the one hand, ideology is a dangerous veil hiding brutal economic interests and, on the other hand, a cultural system that makes sense of social relations (Fassin & Gomme, 2012). His strategy is to view his subject from different angles, through involvement with the social world of a NGO and through external considerations of which his questioner may be unaware (Fassin & Gomme, 2012).

To provide an understanding of the immobility of migrants, and especially returnees, Jennifer Hyndman's (2000) theory on border crossing is suitable to show that the mobility of international humanitarian aid, such as international organisations and NGOs, is connected to the immobility of returnees. She argues the way human displacement is defined and managed depends on certain configurations of geopolitics, cultural and economic relations of power. Her theory on the "politics of mobility" is a useful tool for analysing migration because it recognises the changing movement of refugees.

Both humanitarianism and humanitarian emergencies have impressive prominence in the last thirty years (Fassin & Pandolfi, 2010, p. 29). This is partly because of houses built in floodplains that have been swept away by tsunamis due to the expanding global population and enduring poverty (Fassin & Pandolfi, 2010, p. 29). Craig Calhoun claims it is also partly due to wars where civilians have been targets of violence including being "collateral damage" of past colonialism, shifting global hegemonies as well as new markets that make drugs or diamonds (Fassin & Pandolfi, 2010, p. 29). Calhoun argues that bad things happening is not adequate explanation for the prominence of humanitarian action or the growing importance of thinking about the conditions of humanitarian emergencies (Fassin & Pandolfi, 2010, p. 29). Calhoun

claims that humanitarianism “flourishes” as an ethical response to emergencies not because bad things are happening in the world, but because people lose faith in political struggle as well as economic development and, as a result, try to improve the human field (Fassin & Pandolfi, 2010, p. 29).

Emergency is a term for referring to conflicts, catastrophes and settings for human suffering (Fassin & Pandolfi, 2010, p. 30). Emergency is a sudden event emerging against a background of supposed normalcy, is causing danger or suffering and is demanding response (Fassin & Pandolfi, 2010, p. 30). Use of words call for humanitarian response and not political or even economic analysis (Fassin & Pandolfi, 2010, p. 30).

Emergency imaginary’s core features come in two clusters: (1) Those concerned with emergencies themselves, where emergencies are understood to be sudden and expect some type of normal order (Fassin & Pandolfi, 2010, p. 30). (2) Those features which are related to humanitarian response where the idea of neutrality and the notion of humanity are understood as a mass of individuals who are all equally entitled to care, and the ethical obligation based on humanity is chosen instead of citizenship and other loyalties (Fassin & Pandolfi, 2010, p. 30). Humanitarian emergencies become visible through refugees and IDPs, where the movements of refugees and dead bodies on the street, send signals about something out of the normal existence (Fassin & Pandolfi, 2010, p. 31). Calhoun argues the term emergencies is not an accurate description of its character (Fassin & Pandolfi, 2010, p. 32). By looking at internal displacement as well as the growing numbers of international refugees, emergencies are less sudden than they feel to people who only learn about them when the issue reaches the news (Fassin & Pandolfi, 2010, p. 33).

Humanitarian action focuses on strangers, where refugees are the typical face of the emergency and strangers in their new countries try to send help (Fassin & Pandolfi, 2010, p. 33). Humanitarian action deals with humanity, to those we have obligations to because they are human and not because we share civic solidarity with them (Fassin & Pandolfi, 2010, p. 33). The idea with humanitarian action is to address strangers who are suffering for reasons they cannot control themselves (Fassin & Pandolfi, 2010, p. 33). It is a trend to count deaths and conversely lives saved to become the measure of action in humanitarian emergencies, “reflecting a calculus of bare life, the minimum of human existence” (Agamben, 1998; Fassin & Pandolfi, 2010, p. 34). Calhoun argues that any specific response to emergencies requires: (1) dealing only in lives

that are saved and (2) maintaining the human capacity to create life together by constructing or rebuilding institutions (Fassi & Pandolfi, 2010, p. 34). In addition to the global media, NGOs also play an important role since they seek to raise money, attract awareness and attention, as well as adding motivation to humanitarian responses (Fassi & Pandolfi, 2010, p. 34).

According to Didier Fassin (2010), humanitarian government can be characterised as the introduction of “moral beliefs into the political sphere” (Fassin, 2007, p. 149-60; Fassin & Pandolfi, 2010, p. 269). Michael Foucault defined the term “the government of men” (Foucault, 1989; Fassin & Pandolfi, 2010, p. 269). The term describes that the government should be understood as including more or less institutionalised practices by which human beings act in the behaviour of other humans (Fassin & Pandolfi, 2010, p. 269). This includes technologies and equipment which are used intentionally that relate to the action of states, NGOs and supranational bodies (Fassin & Pandolfi, 2010, p. 269). Fassin argues that the attention of the humanitarian should not be restricted to distant and extreme situations such as refugee camps, epidemics, disasters and war zones, but it also relates and includes the treatment of the poor, abused women, immigrants and children who suffer from poverty (Fassin & Pandolfi, 2010, p. 269). He describes all these factors as encompassed by one term, which is vulnerability (Fassin & Pandolfi, 2010, p. 269). Fassin claims there are two conditions to humanitarian government, which are the moral and the sentimental (Fassin & Pandolfi, 2010, p. 269). He calls the first condition “humanitarian reason”. Humanitarian reason is the “principle according to which humans share a condition that inspires solidarity with one another” (Fassin & Pandolfi, 2010, p. 269). The other condition is “humanitarian emotion”, which is “the affect by virtue of which human beings feel personally concerned by the situation of others” (Fassin & Pandolfi, 2010, p. 269). It is essential that “humanitarian reason” and “humanitarian emotion” are combined. Fassin argues that behind the humanitarian gesture, there is always an emotion facing the suffering of others – without that, gesture would not come into being – although the morality of political action is claimed to be constructed from reason (Fassin & Pandolfi, 2010, p. 269).

The effectiveness of humanitarian rhetoric is proven as it has been adopted and appropriated by several actors to describe a range of operations that previously were legitimised in other ways, such as military interventions which, according to Fassin, are increasingly justified in humanitarian terms (Fassin & Pandolfi, 2010, p. 270). Fassin uses Josiah Heyman’s term “moral heart” of humanitarian action that directs actors to debate and act, which means the

things actors in the humanitarian world say or do must be taken seriously (Fassin & Pandolfi, 2010, p. 270).

Fassin is talking about a portrait of humanitarianism, that modern humanitarianism relates to a type of “intelligence of emotions” which is explained by Martha Nussbaum (Nussbaum, 2001, p. 299; Fassin & Pandolfi, 2010, p. 272). Nussbaum claims that our influences are not direct transports of feeling, but involve value judgments (Fassin & Pandolfi, 2010, p. 272). What makes humanitarianism unique in the political arena, according to Fassin, is the articulation of emotion and reason with the mindset that the other is a vulnerable human being (Fassin & Pandolfi, 2010, p. 272). This articulation that Fassin speaks of opens up the opportunity for all actors to claim authority of law or to inspire sympathy while playing on this tension to promote interests and defend causes as well as to instrumentalise humanitarian action (Fassin & Pandolfi, 2010, p. 272).

Fassin argues that humanitarianism is language whose genetics can be traced back through the last three centuries and that, today, structures the way we think of politics without us noticing (Fassin & Pandolfi, 2010, p. 272). He describes language in the sense of the vocabulary and grammar he claims we take for granted and that we utilise to communicate (Fassin & Pandolfi, 2010, p. 272). He uses the French Prime Minister Lionel Jospin’s announcement in February 2001 as an example. Jospin announced that asylum applications would be evaluated on a humanitarian basis, instead of using the 1951 Geneva Convention (Fassin & Pandolfi, 2010, p. 272). For Fassin to argue that humanitarianism is language, he means in this case that Jospin used terms where the meaning is evident to everybody, which alters our views of the situation in question because he forced everyone to acknowledge a humanitarian aspect where the people would put their focus on war or asylum (Fassin & Pandolfi, 2010, p. 272). Fassin concludes by saying that humanitarianism is language; it produces a specific understanding and knowledge of the world and constructs a certain form of collective experience (Fassin & Pandolfi, 2010, p. 272). He sees humanitarianism and politics as two unconnected and competing factors and tends to separate them from each other (Fassin & Pandolfi, 2010, p. 272). He claims it is important to understand that politics is reformulated through its expanding incorporation of the language of humanitarianism (Fassin & Pandolfi, 2010, p. 272). He uses Giorgio Agamben’s theory of the separation between politics and humanitarianism that we are facing today, which he claims is “the extreme phase of the separation of the rights of man from the rights of citizen” (Agamben, 1998, p. 133; Fassin & Pandolfi, 2010, p. 273). According to Fassin, Agamben

(1998) argues the organisations which base themselves on humanitarian principles keep a secret solidarity with the powers they must fight (Agamben, 1998, p. 133; Fassin & Pandolfi, 2010, p. 273).

Jennifer Hyndman (2000) focuses on different strategies concerning refugees' displacement, and the responsibility of reconstructing their lives, as well as challenges the political and cultural assumptions of current humanitarian practices. Hyndman refers to border crossing and defines borders as: "cartographies of struggle, and refugees are expression of such struggle" (Hyndman, 2000, p. xvi). According to Hyndman, borders, refugees and nation-states are a part of a discourse of conventional geopolitics and refugees are a creation of international law in today's world (Hyndman, 2000, xvi). Borders strain unbalanced geographies of status and power, and to cross borders because of humanitarian assistance is a political act, which means borders are more accessible to the governments of the donor countries than to those who need humanitarian assistance (Hyndman, 2000, p. 1).

Hyndman talks about a strategy, the *preventive protection*, which describes the contrast of power dynamics that have been witnessed during several multilateral humanitarian interventions into states at risk of producing refugees (Hyndman, 2000, p 1). Preventive protection is a structural strategy of assisting displaced persons within the countries that are harmed by war, rather than taking them as refugees in neighbouring countries (Hyndman, 2000, p. 2). Hyndman argues that governments choose interventions that supply assistance rather than having potential refugees cross a border, as migrants cause an economic threat to traditional refugee resettlement countries in the North (Hyndman, 2000, p. 3). According to Hyndman, this strategy is a less humanitarian practice than a donor-sponsored effort to include forced migration and is used to avoid international legal obligations to would-be refugees (Hyndman, 2000, p. 2). She argues the strategy is at least as much about the states' interest as it is about assisting displaced persons in need (Hyndman, 2000, p. 27). The strategy is an expression of the powerful states' wish to avoid the legal obligations of refugees and to save "non-refugee taxpayer's" money in their home countries (Hyndman, 2000, p. 28).

She describes borders as material borders, which illustrate particular cultural, historical and political meanings, and dominant geopolitical discourses which create states that are simultaneously inclusive and exclusive (Hyndman, 2000, p. 1). To count someone as a refugee is different from one world region and time to another, but almost all definitions of refugee

include the principle of crossing an international border (Hyndman, 2000, p. 2). Refugees agree on exchanging the entitlements of citizenship in their country of origin for safety on the conditions decided by international legal instruments, governments in host countries and humanitarian agencies (Hyndman, 2000, p. 2). But there are many who are displaced by violence and conflict who are not able to cross a border, who may receive assistance, although on different conditions and with less political influence (Hyndman, 2000, p. 2). Hyndman describes displacement as an involuntary movement, a cultural dislocation, social disruption, material loss and political powerlessness, and that displacement is a desperate condition that ties together the experiences of forced migrants (Hyndman, 2000, p. 2). Humanitarian assistance is, by comparison, a centralised, authorised and progressively politicised remedy to human displacement (Hyndman, 2000, p. 2).

According to Hyndman, borders breed politics and unbalanced geographies of status and power, which means they can produce marginalisation, racism as well as other unequal relations (Hyndman, 2000, p. 27). She describes conventional migrants as migrants who have crossed international borders, especially in Europe, and are recognised as conventional migrants who have the right to work, move freely within the host country and are participating in civil society to a certain level (Hyndman, 2000, p. 27). *Prima facie* refugees have also crossed international borders, but their status is more conditional in that they may be precluded from holding employment or moving from that certain location (Hyndman, 2000, p. 27). IDPs are assisted by the strategy of preventive protection and have not crossed an international border; rather, multilateral peacekeeping and humanitarian agencies assist them within their own country of origin (Hyndman, 2000, p. 27). As Hyndman has described, border crossings are prevented where possible, and authorisations are minimised when refugees make their way to another country.

Hyndman uses the politics of mobility as a tool for analysing migration, since it recognises the changing movement of refugees and other vulnerable groups (Hyndman, 2000, p. 32). She references Doreen Massey's idea of politics of mobility and access, where she argues that different groups of people have specific relationships to mobility, such as: "Some are more in charge of it than others; some initiate flows and movement, others don't; some are more on the receiving end of it than others; some are effectively imprisoned by it" (Massey, 1993, p. 61; Hyndman, 2000, p. 32). Massey focuses on the differential mobility among distinct groups, but she does not go deep enough into the economies of power that manage and facilitate the

movement of different groups of people (Hyndman, 2000, p. 32). Hyndman argues that the “geo-politics of money” is as important as the geopolitics of the crisis that speeds up forced migration. If it were not for international funding, many refugee camps would not exist, and refugee-receiving countries would not host nearly the same amount of asylum seekers as they currently do (Hyndman, 2000, p. 32). She argues transnational geopolitics of mobility are influenced by “money, power, and space” and points to cultural theories of displacement and travel to be an effective tool for analysing forced migration (Hyndman, 2000, p. 32). Movement is shaped by displacement as well as by global geopolitics caused by conflicts and different social conditions of wealth and opportunity (Hyndman, 2000, p. 33). Hyndman claims that forced migration in the present time constitutes a large segment of transnational movement (Hyndman, 2000, p. 33). Over 27 million refugees and other “persons of concern” were counted by the Office of UNHCR in 1995 (UNHCR, 1995; Hyndman, 2000, p. 33). According to UNHCR, currently at least 70.8 million people around the world have been forced to flee their homes; nearly 25.9 million among them are refugees (UNHCR, n.d.-b). Approaching the geopolitics of mobility as a network of different and uneven links between displaced bodies within the global economy of humanitarian assistance risks sabotaging more conventional political struggles between “us” and “them” (Hyndman, 2000, p. 33). Hyndman argues the geopolitics of mobility is a tool for challenging the master narratives of humanism, humanitarianism and statehood (Hyndman, 2000, p. 33).

## 4 METHODOLOGY

The selection of my methodology is driven by my research questions: the perception of the rights on failed reintegration policies and their paths from returnees to IDPs; post-return experiences in Afghanistan; actors' responsibilities when returnees return to their country of origin; and challenges returnees face upon return to Afghanistan. According to Bryman, who I use as inspiration for my methodological approach, qualitative research methods rely on words for doing analysis (Bryman, 2016, p. 374). Creswell (2014) focuses on one of the benefits of the qualitative research; that is, when a person shares their experiences with the interviewer, the researcher can better understand feelings by observing the interviewees (Creswell, 2014, p. 8). Creswell describes qualitative research as a method for exploring, as well as understanding the feelings of individuals related to a social problem. The researcher involves emerging questions and data is collected in the setting of the participant (Creswell, 2014, p. 4).

The focus of this study is on Afghan returnees. 12 participants were interviewed for this research. All the interviews were conducted individually and lasted between 45 minutes and two hours. This research was also conducted according to snowball sampling (Bryman, 2016). Because of my ethnic background as Afghan, it was easier for me to get in touch with Afghan returnees.

I will present an overview of my methodological approach in this chapter, focusing on epistemological foundations, participant recruitment, data collection, data analysis, limitations and constraints, ethical principles and my positionality in this research. I have employed qualitative research methods in data collection using semi-structured interviews.

### 4.1 Epistemological foundation

The epistemological position for my research is interpretivism, which emphasises understanding and meaning and is organised upon the view that respects differences between the objects of the natural science and people (Bryman, 2016, p. 26). Therefore, it is necessary for the researcher to hold on to the subjective meaning of social action (Bryman, 2016, p. 26). The stress is on understanding the social world through an examination of the interpretation of that world from the participants perspective (Bryman & Bell, 2011). The meaning of this is to see through the eyes of the people that are being studied, from the native's or participants point of view. The perspective of those being studied, such as what they see as important provides the point of orientation (Bryman & Bell, 2011, p. 425). Geertz (1973) insists that qualitative

researchers are “involved in interpretations of the interpretations of those on whom they conduct their investigations” (Geertz, 1973; Bryman, 2016, p. 376). According to Bryman (2016), “knowledge in positivist tradition is arrived through the gathering of facts that provide the basis of laws”, which is the principle of inductivism (Bryman, 2016, p. 24). Positivism defends the application of the methods of the natural sciences to the study of social reality (Bryman, 2016, p. 24). I am seeking for a broader understanding of knowledge than the positivist tradition by using semi-structured interviews. My aim is to provide an understanding of post-return experiences of rightless people in their paths from returnees to IDPs and identify the main challenges, roles and responsibilities of local and international actors in the reintegration policies in Afghanistan. This is more aligned with the interpretivist tradition.

#### 4.2 Participant recruitment

Purposive sampling is employed in this research, which aims for variety in the resulting sample, so that sample members differ from each other in terms of key characteristics that are relevant to the research questions (Bryman, 2016, p. 408). In purposive sampling, which is a non-probability form of sampling, the participants are sampled in a strategic way, so that those selected are relevant to the research questions that are posed (Bryman, 2016, p. 408). Purposive, non-probability sampling was appropriate for my research, as I was interested in interviewing individuals with Afghan background, who were sent back, either voluntarily or by forced return from Europe, and seek to develop an understanding of their experiences and about local and international return policies and reintegration programmes in the period of their post-return.

Participants include Afghan nationals that have returned to Afghanistan within the last two years. They had to be comfortable being interviewed and could speak Dari/Farsi or English. I interviewed ten returnees – one female and nine males – and two NGO employees. Interviews were conducted via Skype with the support of an Afghan student who helped providing access to internet for the participants. I understand the limitations and consequences of not being able to travel to Afghanistan, especially regarding body language responses to questions, face-to-face contact between the researcher and the participants, as well as the atmosphere before, during and after conducting the interviews. However, I agree with researchers’ early impressions on using Skype for conducting interviews, who claim that Skype interviews may be more flexible than having interviews face-to-face, since the scheduling of the interview can be accommodated last-minute (Bryman, 2016, p. 492). The decision to use Skype took into consideration time and cost savings and the security situation in the country, especially in the

region (Kabul) where the interviews were conducted. The accessibility of being interviewed by Skype may encourage some people to agree to be interviewed when they first might have declined, and you can conduct the interview whenever you want (Bryman, 2016, p. 492).

The requirement of confidentiality means that the identities and records of participants should be maintained as confidential (Bryman, 2016, p. 127). According to Bryman, care needs to be taken when findings are presented to ensure that the participants are not identifiable (Bryman, 2016, p. 127). The participants are defined by numbers as identification labels throughout the study as indicated in Table 1, demographics of participants. Two of the participants are defined as Local NGO employee and INGO employee, since there are two employees from different NGOs (one international and one local). The demographics of the INGO employee (number 12) is not important for my data collection because his personal information will not be used for my data findings, only his view and knowledge about the returnees' experiences on their post-return and the main responsibilities of local and international actors. The local NGOs' information will be used, because the employee is also a returnee. As well as considering him as a returnee for this research, his point of views on the main responsibilities on the local and international actors will be included.

**Table 1. Demographics of interview participants**

No.	Gender	Age	Reunited w/ family
1	Female	19	Yes
2	Male	18	Yes
3	Male	20	No
4	Male	24	No
5	Male	22	Yes
6	Male	34	No
7	Male	18	No
8	Male	25	No
9	Male	20	No
10	Male	24	No
11	NGO	34	No
12	INGO	X	X

Snowball sampling was employed for my research. Snowball sampling is a technique where the researcher samples a small group of people who are relevant to the research question, and the sampled participants propose other participants who have had the same experience or characteristics which make them relevant to the research (Bryman, 2016, p. 415). The returnees had varying levels of knowledge on return policies – some of them returned voluntarily, but most were deported, which means that they were forced out of the host country because of their rejected asylum claim. Participants were migrants with different reasons for why they left the country. Many of them lived outside of Afghanistan for a long time, while some of them returned after a short time. All the participants were between the ages 18-36. Because of their post-return, the participants are also IDPs, since they are not able to return to their provinces of origin or, for those who have not lived in Afghanistan prior, the country they were born and raised in. 8 out of the 11 returnees in this research have not been reunited with their families, which leave the returnees with challenges in Afghanistan.

All the participants received a voluntary consent form, which they had the possibility to sign and send back to the student I was in touch with through my network in Afghanistan. Because of my work with Afghan refugees, and as an interpreter, I have access to a network in Afghanistan, where I got in touch with an Afghan student from Kabul University. The student sent the voluntary consent forms to me before I conducted the interviews over Skype. The participants were all made aware of their rights during the interviews; they could withdraw their participation at any time during the interview and even after the interview was conducted. As written in the voluntary consent form, they allowed me to disclose the personal information of their gender, age, education, country of birth, previous residence in Afghanistan and their marital status. Knowing their previous residence in Afghanistan gave me, as a researcher, different answers as many of them had not lived in Afghanistan before and had never been there.

My original plan included to have an equal amount of gender representation in the interviews – I wanted half of the participants to be females and half of them to be males. I wanted to see if I received different answers based on different genders, and if they were treated in different ways. I contacted a lot of participants, but as a woman in Afghanistan, it is hard to have an interview over Skype alone when the female is outside of her home, and the lack of internet is another factor which made it difficult for me to conduct interviews with women; as a result, I was unable to find enough participants who were females. After becoming crestfallen about the

lack of response from females who were returnees and due to the limitation of time, I decided to put my whole focus on the sample I have.

One limitation of my research could be a lack of female's perspective. By interviewing returnees, I am taking the returnees' perspective, but all of my participants, except for one, were male. An equal gender-based sampling could have affected my research results, with the views of more females. Further research should be conducted expanding the opportunity to include views of both males and females, who have returned to Afghanistan.

#### 4.3 Data collection

The gathering of my data is based on qualitative, semi-structured interviews. Semi-structured interviews are appropriate to gather broad information on the interviewee's life situation. As someone who is originally from Afghanistan and speaks Dari/Farsi, interviews were conducted in Dari/Farsi.

Semi-structured interviews were employed as they allow the researcher to be open and flexible to other topics the participant brings up (Bryman, 2016, p. 468). This happened in many of the interviews I conducted. This approach is well qualified as I wanted to ask the interviewees further questions about their return and their experiences during their journey and after their return. As a researcher, I had my interview guide ready with a list of questions and specific topics I wanted to cover, but the interviewee had an open margin in how to reply (Bryman, 2016, p. 468). The preparation of the interview guide was in line with the basic elements presented by Bryman (Bryman, 2016, p. 470). Since I did not plan to strictly follow my interview guide – as in more structured interviews – I was able to ask questions that were not included in the interview guide (Bryman, 2016, p. 468). Although a semi-structured interview is open and flexible towards other topics, all the questions on the interview guide were asked and the similar use of words were used in all the interviews (Bryman, 2016, p. 468). I made sure to be familiar with the setting the interviewee worked and lived in, to ensure approaching understanding of what the interviewee was saying in his or her own terms (Bryman, 2016, p. 471).

Afghanistan, the country, people, culture and language are close to my heart because of my background and identity, but it is an unknown territory for me. This is because I have never been in Afghanistan before, and the only Afghans I am in touch within my daily life are my

family. Therefore, it was important to prepare my interview guide in such a way that I did the interviews with a matter of respect for the interviewees. I have worked with Afghan refugees before, and I knew that I had to prepare the interview guide in a way that I did not make it stressful for the participants. I had to take into consideration that they are a vulnerable group. The interview guide was not a limitation for me, since I speak the same language as the participants, so I could go deeper into every question, which provides space for the participants to speak for themselves, instead of interpreting their voices through previous research and policy documents.

Thematic analysis is the approach I chose to conduct the qualitative data analysis. Thematic analysis gives the space to identify themes relating to the areas of this research, and all the data collection is built up out of groups of codes (Bryman, 2016, p. 584). According to Bryman, a theme is: (1) a category identified by the analyst through his or her data; (2) the data relates to his or her research focus and also the research question; (3) it builds on codes that are identified in transcripts and provides the researcher with the basis for a theoretical understanding of the data collection, which can make a theoretical contribution to the literature that is related to the research focus (Bryman, 2016, p. 584).

#### 4.4 Data analysis

Thematic analysis is the approach for qualitative research I chose as I am interested in the thematic areas which make an impact on the return and reintegration considering the perspectives of the INGO employee, local NGO employee and returnees.

To acknowledge the various ways the participants interpret their experiences in the larger context, I conducted the analysis through the six-phase guide highlighted by Braun and Clarke (2006) to guide the thematic analysis for this research: (1) familiarisation of the sample to be analysed; (2) get involved in generating coding; (3) combine the codes into themes; (4) review the themes (Name or label the themes and sub-themes); (5) analyse the connections between concept and how the concepts change in terms of features of the cases; and (6) write up the findings and analysis (Braun and Clarke, 2006; Bryman, 2016, p. 587).

In phase one – familiarisation of the sample to be analysed – I created a form of all the transcriptions of the interviews with the exact interpretation of the participants. I then went back to the original audio recordings to try and find something that emerges as significant by

comparing it to the transcripts I already had made (Gerson and Horowitz, 2002, p. 211; Bryman, 2016, p. 483). In phase two – generating coding – I coded the data manually to account for the differences in language, although the interviews were conducted in the interviewees first language, but I had to translate and transcribe the interviews into English. The third phase – is to combine the codes into themes. It is important to search for similar elements in codes so they can be connected to the themes of the analysis, which the researcher provides names for (Braun and Clarke, 2006; Bryman, 2016, p. 588). To decide the different themes, themes were derived by the importance related to the relation to theoretical framework, research questions and the participants. As I was trying to outline the connections between concepts and categories that I was developing in this research, I started to organise the data and search for repetitions, presented by Ryan and Bernard (2003) to identify the themes (Bryman, 2016, p. 581-86). I provided an interpretation of the data set, and then organised patterns of the data set into themes to connect the meanings and implications to previous literature and theories (Braun & Clarke, 2006, p. 84). In phase four I reviewed the themes by naming and labelling themes and sub-themes. Phase five was about analysing the connections between concepts and how they change in terms of features of the cases. Phase six, the last phase, consists of writing up the findings and presenting the analysis

#### 4.5 Limitations and constraints

Even though it is hard to provide a complete statement/explanation of the limitations relating to my research, I hope to contribute with a critical reflection on some limitations and constraints I experienced. One limitation is that I was not able to travel to Afghanistan to conduct the interviews and had to conduct my interviews by Skype. Another limitation is that almost all my interviewees, except for one, were males. I was not able to interview as many female participants because of two major reasons: (1) There are not so many females travelling alone and (2) the cultural difference in Afghanistan and Europe is large, which in practice means it was hard for me as a researcher to find female interviewees because they do not usually leave their homes alone and maybe do not feel comfortable or are not allowed to be interviewed about this subject. A third limitation is that the interviewees were Afghans returnees who were able to speak Dari or English. As a researcher, I had to exclude Afghan returnees who spoke Pashtun due to the problem of language barriers. The extent of the study focuses on Dari speaking returnees. Afghanistan consists of several different ethnic groups from different provinces in Afghanistan and I was able to interview many from different provinces. One limitation is that I was not able to interview many people from the same province to see if I could find contrasts

in their answers. Many of the Dari-speaking returnees belong to a prosecuted ethnic group, the Hazara ethnic group, which is controlled by the Taliban regime. Therefore, there were many who did not seem interested in being interviewed to share the experiences of their journey. A fourth limitation is the number of interviewees; the numbers were constrained due to time restrictions. I would have been able to interview more, but because of the time, I had to stick to the amount that this research ended up with. As most of the returnees were without Internet, I had to make a solution by “renting” a place to have the interviews with them. Most of the interviews were conducted during evenings, as most of the participants are searching for jobs or attending courses during the daytime. A fifth limitation was the time and costs of doing the research. This research had a limited time frame and I had to conduct the interviews following the participants’ schedule. The interviews were conducted on Skype and I had to find and pay for a private place where the returnees could feel safe without being disturbed. Many of the returnees postponed the interviews we planned to have during the daytime because of work and the struggle to seek employment for those participants who did not have a job.

#### 4.6 Ethical considerations

Ethical considerations are important for my research. In order to perform the interviews with participants, I have to be aware of ethical principles, which are broken down by Diener and Crandall (1978) into four main areas: “(1) whether there is **harm to participants**; (2) whether there is a **lack of informed consent**; (3) whether there is an **invasion of privacy**; (4) whether **deception** is involved” (Bryman, 2016, p. 125). These are the key ethical considerations that were considered during my research. Therefore, I focus on some ethical issues I believe are relevant to my research, especially related to my interviews with participants who are Afghan returnees.

*Harm to participants* – According to Diener and Crandall, harm can lead to physical harm, loss of self-esteem, stress, harm to participants’ development and “inducing subjects to perform reprehensible acts” (Diener & Crandall, 1978, p. 19; Bryman, 2016, p. 126). Therefore, I made sure that all the participants knew that some information of the interviews are anonymous, such as their names. I recorded all of the interviews, so I could transcribe the interviews for coding later. All the recorded files were anonymised and accessible to the researcher only, and at the end of the project, the collected personal data got erased. (NSD, 2019).

*Informed consent* – It is needed to inform the participants as much information as might be needed to make an informed decision about whether or not the participants desire to participate in the research (Bryman, 2016, p. 129). As a researcher, I received the interviewees' consent prior to conducting the interviews. All the participants were made aware of the aim of the research. It was also important to inform the participants that their participation was voluntary, make sure they were aware that they could withdraw the interview at any time, as well as choose not to answer any questions they were not comfortable in answering. Therefore, it was important to make sure to use clear language with the participants to avoid misunderstandings, make sure participants were aware of the purpose of the research and what their rights are.

*Invasion of privacy* – This is very similar to the principle of informed consent, since informed consent is given to the participants so they are aware of their involvement in the research and that informed consent acknowledges the right to privacy has been surrendered for that limited domain (Bryman, 2016, p. 131). To misuse their right of privacy in the name of this research would not be acceptable. As a researcher, it was important to make sure the privacy of interviewees was not invaded under any circumstances. My responsibility during the research was to protect participants' identities and ensure anonymity. Furthermore, the researcher presents the analysis after coding to help protect the participants' identities.

*Deception* – As someone who is from Afghanistan and speaks the same language as the participants for the research, it is important I inform the participants what the research is about so the participants can feel they are in a safe environment and feel included. According to Bryman, deception occurs when the researcher represents their work as something other than what it is in reality (Bryman, 2016, p. 133).

Before conducting the interviews for my research, I had to take into consideration some issues which could arise according to NSD on vulnerable groups (NSD, 2018). According to NSD, when conducting research on vulnerable groups, Afghan returnees in my case, I had to be aware of that vulnerable groups should only be contacted if it is not possible to answer the research questions in other ways (NSD, 2018). I also had to be aware that returnees could experience the research as stressful, and it was important that the participants were informed about the social and scientific value of the project (NSD, 2018).

#### 4.7 Positionality

During this research, I see myself as an insider and an outsider. Although I am born and raised in Norway, I do not see myself as 100% Norwegian, because of my Afghan ethnicity. I am between two cultures, the Norwegian and the Afghan cultures. My ties to the country and its culture are very strong. My parents and my brother are Afghan refugees who fled the country during the Soviet invasion, and I have been working with Afghan refugees as well. I could also be regarded as an outsider to Afghan returnees because I have not been in the same situation as them; I have not been separated from the ones I love, from the safe host countries and been returned to a country where I do not feel safe or have not even lived in.

To the participants who were from local and international NGOs, my position could be considered as an insider and outsider. I could be considered an insider since I have general knowledge about the situation in Afghanistan and what the refugees are going through. Nonetheless, I am new to the topic about return policies, the concept of IDPs and the different reintegration and repatriation programmes in Afghanistan. This has been an advantage for my research, since the participants explained things in further details about the work of international and local agencies in Afghanistan that I only had a general knowledge about.

Moreover, I tried to be cautious of my position as a researcher, my social responsibility. I tried to explain in detail and let the participants know they could withdraw from the research whenever they wanted and could pass on any questions they did not want to answer.

#### 4.8 Summary

Semi-structured interviews with Afghan returnees and local and international NGO employees were conducted. The six-step guideline presented by Braun & Clarke to conduct a thematic analysis was employed for this research. Three main themes were identified relating to Afghan returnees and the main responsibilities of local and international actors by coding the data during the analysis. The themes will be discussed in the next chapter on data findings and analysis.

## 5 DATA FINDINGS AND ANALYSIS

In order to answer the research questions for this thesis, the research focuses on returnees' post-return experiences in their country of origin. It seeks to identify what challenges they are facing, as well as their goals for the future. The research investigates the security challenges imposed on returnees considering the fragile situation of the country and the implementation of reintegration policies in a context of extreme vulnerability and general insecurity. Relying on participants' personal experiences, concepts such as the right to have rights, state of exception and border crossing are used to contextualise the (lack of) implementation of reintegration policies and participants' real life experiences. The aim of this research is to achieve knowledge and understand returnees' experiences on returning back to Afghanistan and which challenges they are facing through interviews. Although I could not travel to Afghanistan to conduct the interviews, I had the opportunity to see the returnees face-to-face by conducting the interviews over Skype. The interviews provided many personal stories, their experiences during their journey to Europe as well as their return to Afghanistan. This chapter consists of a presentation of the results collected from the interviews as coded into themes. As previously explained, participants consist of returnees and representatives from two NGOs, one international and one local.

The thematic analysis took into consideration the conceptual framework of Arendt, Agamben, Fassin and Hyndman. The themes reflect issues related to the current state of exception in Afghanistan, the bare life of returnees and the right to have rights upon their return. Considering this, the following themes were identified: Theme 1: The lack of autonomy and human rights violations; Theme 2: Broken families and a bare life of shame; and Theme 3: Rightlessness and the power of governments, international agencies and NGOs.

### 5.1 The lack of autonomy and human rights violations

Agamben (1998) describes the figure of *homo sacer*, and how he can be excluded from society and deprived of humanity. Although the *homo sacer* is excluded from society he still belongs to the society he has been abandoned from, which means he is excluded and included at the same time, "removed and at the same time captured" (Agamben, 1998, p. 110). *Homo sacer* is not purely excluded from the society, but is a victim of "inclusive exclusion", which proves that the contrasts between *zoë* and *bios* start to become indistinct (Agamben, 1998, p. 8). Agamben's conceptual framework on the state of exception, bare life and the *homo sacer* seem analytically suitable to the comprehension of returnees' challenging paths of reintegration.

Theme one, the lack of autonomy, encompasses the interpretations of returnees considering their struggles to find employment, life in extreme poverty, lack of freedom and security. While Afghanistan's National Reintegration Policy Framework aims to receive returnees and IDPs focusing on employment, market and livelihood support (National Authorities, 2017, p. 31), participants' perceptions highlighted the evident gap between what is stated in policies and international agreements and their actual experiences.

As made evident by the Fragile States Index from 2020, the ongoing state of violence and division has resulted in large displacement and serious issues regarding human rights, peace and security in Afghanistan (Fragile States Index, 2020). The majority of the Afghan population are facing a deteriorated health system, high unemployment rates, extreme poverty and difficulties in accessing education (Fragile States Index, 2020).

*"The returnees are dumped and live like "dogs" in Kabul, without any help, support system and this is also why they always want to get out of the country again. Many of the returnees flee the country again because of the impossible living conditions."* (Local NGO employee)

Returnees interviewed stated that the living conditions in Afghanistan are almost impossible, and the lack of autonomy is present in their everyday lives.

The feeling of exclusion in the host countries when their application is rejected is a major challenge returnees face before their deportation to their country of origin. All of those who were forcibly returned to Afghanistan, claimed they would never return to Afghanistan of their own choice, but that they were deported because their asylum application was rejected, and they were left without autonomy in the host country. They lost the right to education, employment and health care. One returnee told his story about being deported from Sweden, where he was told that he was not a Swedish citizen and that was why he could not stay there.

*"I lost the independence and the autonomy that a human being has. I was told that by staying illegal in the country, I would never have the right to education, work or health care. I did not feel that I was a human being. I got deported together with two policemen, and I didn't get the chance to change my clothes. They were strict and did not even act*

*friendly with me. I did not feel comfortable at all. I felt lonely and naked.”* (Man, 25, Herat)

The issue of returnees not having autonomy is linked to concern brought up by Agamben and the homo sacer. His argument is that even though the homo sacer is excluded and banned from society and is free to be killed by anyone without any consequences, he is still a subject to the same society that he has been abandoned from (Agamben, 1998, p. 110). He claims that homo sacer is outside of the law because of this exclusion and is exposed to the constant fear of death that develops from no longer living inside the law and the society (Agamben, 1998, p. 8). While Agamben’s idea of “bare life” consists of humanity being stripped of all its detailed characteristics, and that politics only exist because man is the human being who separates and argues himself to his own bare life, he also focuses on “bare life in an inclusive exclusion” (Agamben, 1998, p. 83), which is related to the returnees’ situation. When answering the question about how their autonomy was taken away from them, the lack of education, the lack of freedom and the difficulty to get access to their Tazkera<sup>2</sup> are some of the main issues they described facing in their post-return experiences. Agamben argues there is no autonomous place in the nation-state for the refugee status, which he describes as “for the pure human in itself”, and that this is “evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalisation or to repatriation” (Agamben, 2002, p. 19). The fact that the nation-state cannot provide the solution for the refugee crisis proves the refugee questions the categories of the nation-state.

The continual state of violence – which led to large displacement and serious problems regarding human rights, peace and security – was expressed as a challenge by the participant from the INGO. The participant from the INGO states the human rights situation has been an issue in Afghanistan for a long time due to the ongoing conflicts. The INGO employee claims the life of a poor rural girl or a woman is more at risk compared to others and is referring to the human rights violations against the returnees and IDPs in Afghanistan. The participant claims that Afghanistan is one of the countries where human rights are violated on a daily basis, and the human rights violations are complex because of the security situation in Afghanistan, poverty and the violations against women and children:

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<sup>2</sup> Tazkera, a document confirming that citizens of Afghanistan are citizens and therefore have a legal relation to the state.

*“The killings, judicial processes, denial of access to services and justice as well as lack of free movement are some of the issues that Afghans are facing. In many rural areas in the South and East of Afghanistan, women and girls are not allowed to go to the market alone to buy groceries. They need to have a male (can even be a child who is a minor) to join them to the market. The women do not have a freedom of movement. In some places, girls are not being allowed to go to school. From the age 7-9, they are not allowed to go to school anymore. There are targeted killings where people are being killed because they are awaking civilian awareness. They are attacking hospitals, clinics, health workers because they are in employment.”* (INGO employee)

The INGO employee describes a deteriorated security system, extreme poverty and violence and difficulties in accessing education as only some of the difficult conditions of everyday life for the majority of the Afghan returnees, which is also addressed by the Fragile States Index (2020). Afghanistan is ranked as number 105, and the highest rank is a score of 113.4 which is the most fragile state (Fragile State Index, 2020). IDPs, refugees, human rights, public services and security are the indicators that are used to determine the vulnerability of how fragile a state is (Fragile State Index, 2020).

All of the returnees, including the NGO employees, mentioned that a strong network is very important, and that when you are outside this network, you do not have any possibility to decide on any aspect of your own life.

*“The insecurity is the biggest challenge they are facing. Their concern is the security situation. Social network is another challenge. Many of them do not have their family in Kabul. No source of income. No friends. They are at this point where they start to cry and get mental ill. They get stressed and feel helpless. They do not have any friends, and they are struggling with accommodations.”* (Local NGO employee)

As previously mentioned, in the path of becoming an IDP after returning to your “supposed” home country, most of the returnees interviewed highlighted the lack of engagement by anyone in the place they current reside and pointed to different consequences of living the *bare life*: a life of exclusion, without any freedom or choices, and in extreme poverty which may lead to drugs or stealing.

*“The way of living here in Afghanistan is almost impossible. You either have to get used to life in poverty and to not have freedom, get into drugs or to steal. I tried to live in Kabul, but I didn’t know anyone there. It’s hard to adapt to the culture and the way of living when there are so many people who are stuck in one place.”* (Man, 25, Kunduz)

On their experiences upon their return, the returnees describe the feeling of being scared to go out because of the security situation as well as the criminality in the country. The few returnees who returned voluntarily, mentioned that the amount of money they received was spent after a short while. One of the returnees and his family chose to return voluntarily because his parents had enough of staying at refugee centres. The returnee and his family stayed for almost eight months enclosed in a centre, sharing their space with so many other people while waiting to get an answer on their asylum application. The centre and the waiting should be seen in relation to the concept of Agamben’s adoption of Foucault’s understanding of “biopolitics” and Agamben’s “state of exception”. Agamben’s understanding of Foucault’s theory on who has the right to decide over life and death and who is worthy of living, is related to his theory on biopolitics; its function is to improve life as well as making it more productive, which is the states’ function instead of putting to death (Foucault, 1976, p. 248; Agamben, 1998, p. 88). Agamben argues that biopolitics and the sovereign (creation of bare life) are connected: “Not simple natural life, but life exposed to death (bare life or sacred life) is the originary political element” (Agamben, 1998, p. 88). “The state of exception” is a growing separation of bare life and the nation-state (Agamben, 1998, p. 175). The state of exception, resembling the refugee centre as the returnee explains, is a place without localisation and a place where the law is suspended and seen as the permanent space of exception (Agamben, 1998, p. 175).

Returnees described struggling to find a job in Afghanistan and are point to the fact that they do not have the right to get a proper education without risking their lives.

*“To get an education, you need to risk your life every day to get to school. And when you get an education, it is impossible to get a job. Life is hard here.”* (Man, 18, Kabul)

This could relate to Majidi and Tyler’s (2018) argument on the lack of policy implementation regarding returnees and IDPs in Afghanistan, as well of the lack of international institutional support for states who want to integrate new policies or legislate for certain rights, protection and assistance for IDPs (Majidi & Tyler, 2018, p. 34). They claim involving the Afghan Civil

Society and local NGOs could play an important role in evaluating the implementation of national instruments on IDPs (Majidi & Tyler, 2018, p. 34).

According to the NRC report mentioned earlier, internally displaced women are significantly less likely to hold a Tazkera, including other forms of documentation (NRC, 2019, p. 23). Accessing documentation is more difficult for women than men and the perceived need for documentation of women in a household is lower, which limits the woman's autonomy (NRC, 2019, p. 23). The lack of autonomy especially affects single mothers in Afghanistan. Like most of the central Asian countries, it is a pattern of bloodline that gives you citizenship in Afghanistan.

*“They follow the male bloodline, and if someone is born outside of Afghanistan, this child will be treated as a foreign child. Those children are at risk of losing their citizenship and becoming stateless, because if for example Iran doesn't give them citizenship, and Afghanistan refuses to give them citizenship, it can be difficult. If the father got a Tazkera in the passport, it is straight forward for the family to the assigned approval. They can get access to district, and they can get witnesses that can confirm that they are originally from the districts as well”* (INGO employee)

Almost all returnees' point at the fact that it is hard to travel from one province to another without risking their lives, because the Taliban is controlling many of the provinces they are originally from, which makes it difficult for them to get their Tazkera.

Vulnerability and the lack of not having the right to choose, are major challenges the returnees are facing. The returnees' experiences are compatible with Hannah Arendt's (1949) theory on the right to have rights, which is to belong to a community, where the ability to guarantee and agree on rights requires access to a political community (Arendt, 1949, p. 34).

The Afghan Government and the EU cooperate on sending refugees back to Afghanistan, but do they, the refugees, have to right to choose? The security situation in the country is so complex and was one major reason for the interviewees to leave the country. Without any bright future dreams in the country and the lack of education and employment, the returnees cannot see another choice other than to risk their lives, in hope to leave in peace. According to all the participants in this research, European countries have the ideology that it is safe for Afghan

refugees to return to Afghanistan, despite the lack of security, education and safe work environment. The JWF agreement was based on the fact that EU wanted a commitment from Afghan authorities to cooperate with them as a principle (Bjelica, 2016, p. 2). The agreement focused on addressing irregular migration by preventing irregular migration to host countries and returning irregular migrants back to Afghanistan (be European Union and the National Unity Government of Afghanistan, 2016).

The returnees agree on the fact that it is necessary for the security situation to become better and that the country does not have safe security. The answers from the participants on not having the right to choose and all the challenges they are facing is addressed by Hannah Arendt's (2004) description on the feeling of being excluded and left outside the law while not belonging to any political community. Arendt describes it as being made smaller to "mere naked human beings" in a "condition of complete rightlessness" (Arendt & Power, 2004, p. 296).

## 5.2 Broken families and a bare life of shame

Separation from family is a major challenge for returnees. Many of the participants in this research are returnees who left their families when they decided to flee the country. Majidi (2017) focuses on the barriers returnees are facing to rebuild a life upon return, which include instable security situations, vulnerability and displacement when being separated from their families and "homes" (Majidi, 2017, p. 13) Broken families do appear when returnees are deported to Afghanistan, a country they may have never been to. This is related to the preventive strategy presented by Hyndman (2000) in Chapter 3. She argues this strategy is an expression of the powerful states' desire to avoid legal obligations of refugees and save "non-refugee taxpayer's" money in the host countries (Hyndman, 2000, p. 28). While Hyndman describes borders as material borders which illustrate dominant geopolitical discourses creating states that are inclusive and exclusive, Agamben is referring to the separation of the rights of man from the rights of citizen (Agamben, 1998, p. 133). When asking one of the returnees about separation from his family, he answered that this is a strategy played by governments.

*"The Afghan government is a fragile government and I don't think that so many people understand this. I read about the return programmes in Netherlands and understood that this is an agreement between the Afghan government and EU. The Afghan government and organisations do not have control over the returnee wave which makes a huge challenge for the country."* (Man, 24, Kunduz)

Fassin represents Agamben's theory of the separation between humanitarianism and politics and "the extreme phase of the separation of the rights of man from the rights of citizen" (Agamben, 1998, p. 133; Fassin & Pandolfi, 2010, p. 273). Fassin claims that Agamben (1998) argues the organisations based on humanitarian principles keep a secret solidarity with the powers they must fight (Agamben, 1998, p. 133; Fassin & Pandolfi, 2010, p. 273).

*"I got deported from Norway without my family. I don't have anyone in Afghanistan. It is hard for me to choose to be separated from my family forever, or if I should make my family return to a country where they do not live in safety and they have limited prospects for economic stability."* (Man, 34, Kabul)

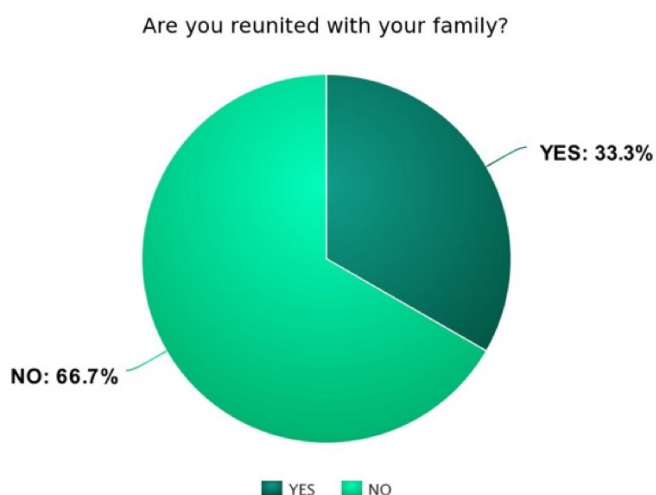
The returnee is currently an IDP who was separated from his family because of his deportation. The issue of broken families is a genuine and obvious case. The returnees are living in fear while being separated from their families. As presented in the literature review, a research study by NRC on the challenges of IDP protection in Afghanistan reveals that chances are high for returnees to be displaced again as a consequence of the ongoing conflict in the country (Hall, NRC & iDMC, 2018, p. 16). The issue about returnees becoming IDPs is obvious; many of the returnees leave the provinces they live in and claim asylum in European countries. When their asylum claim is rejected, they are forced to return to Afghanistan. Many of the returnees end up in Kabul, even if they are not from the capital, or if they had never even lived in the country before.

*"I am originally from Ghazni province, but I have never lived there before. My parents were persecuted in Afghanistan because they were Hazaras. Hazaras are very discriminated against in Afghanistan. They left for Iran before I was born, and since then, I have always been in Iran."* (Man, 18, Kabul)

The returnees' statement can be related to Majidi's (2017) analysis on return policies. He argues the general aim of the return policies is to return migrants to their country of origin, but this has been complicated for Afghan refugees because of the migration and displacement crisis in Afghanistan. His clear distinction between a person's "homeland" and "home" shows that Afghans who migrate to Europe may not migrate from Afghanistan, but from another country they have lived in for years (Majidi, 2017, p. 13).

The data represented in the figure is based on the number of responses from all returnee participants. The majority of the returnees are not reunited with their families because of various reasons described below. The returnees who are not reunited with their families are currently displaced in Afghanistan.

**Figure 1: Reuniting families**



*The pie chart is based on the number of responses from all returnees.*

The returnees who are not reunited with their families, state that it is either because their families are living outside of Afghanistan, or because the province they are from is controlled by Taliban or ISIS. Even their families tell them not to return to their province because of the lack of security as it can be dangerous for them to return to their province of origin. The returnees who are from provinces that are affected by the ongoing conflict may not be able to return to their homes and nearest family, which forces them to stay with friends or relatives, or seek employment in other provinces in an urban area (Hall, NRC & iDMC, 2018, p. 16). This may result in several social problems such as high unemployment, extreme poverty, different culture as well as language barriers. While Van Houte et al.'s (2014) results from their fieldwork found that forced returnees from Europe proved to be a hidden population because they do not want to expose themselves in contrast to voluntary returnees, Schuster and Majidi (2015) argue that returnees create a new identity for themselves, so they do not get exposed (Schuster & Majidi, 2015, p. 644).

As previously explained in the literature review, Hall et al. (2018) describe these IDPs as “returnee-IDPs”; “they are unable to settle in their places of origin because of socioeconomic issues such as the loss of property and assets, or a lack of livelihood opportunities or other services as a consequence of their displacement” (Hall, NRC & iDMC, 2018, p. 6). As a returnee-IDP, one of the returnees in the research explained his socioeconomic issues and the challenges he is facing as an IDP; the separation from his family is the biggest challenging he is facing and the feeling of loneliness. The returnees who are separated from their families in Afghanistan may not have any social network when being deported to their country of origin (Majidi, 2017, p. 13).

*“I don’t feel safe here. I get panic attacks every time I see guards, policemen and the military. It reminds me of my deportation.” (Man, 25, Kabul)*

The returnees who are not reunited with their families, dream about being reunited with them, and to live a life together with their families.

*“My plan is to get a job so I can save money, try to leave the country again and be reunited with my family and relatives.” (Man, 34, Kabul)*

This returnee’s family is in Turkey and he is alone with other returnees he got in touch with. When his asylum application in Germany was rejected, the police deported him to Afghanistan, separated from his family and friends.

The issue of shame and honour is a challenge in the returnees’ relationship with their families and even their community in their post-return experiences. There are so many families who have sold valuable land and items or gone into large amounts of debt in order to send their children to Europe. Their expectation is that they will assist them with money or try to invite their family to come to Europe as well. In this context, the participants reported feelings of shame if they choose to return voluntarily. To return voluntarily involves a degree of autonomy in the decision-making, which means that it is the refugees’ choice when or whether to return (Sydney, 2019, p. 11). As explained in the literature review, Sydney (2019) argues that there is a limited understanding of what is affecting the decision of the refugee; socio-economic conditions as well as security in countries of origin and host countries play an important role in the decision to return voluntarily back to their country of origin (Sydney, 2019, p. 11). The

returnees explain there are different reasons for why they do not want to return to their provinces of origin. When the returnees return to nothing and with nothing, they feel ashamed because they were deported. They leave the country to give back to their families, but they do not want their families to see them without anything, so they do not return to their provinces.

The returnees state they are facing shame and feel embarrassed after their return. The questions from their neighbours in Afghanistan about why they returned and did not stay in Europe makes returnees feel ashamed. To return empty handed back to their place of origin is a sad and difficult situation.

*“The worse part was to return to my place of origin because of the feeling of shame. People who return from Europe are seen as infidels and betrayers. They claim that we are not Muslim anymore and that we betrayed our own country to live like “them”.”*  
(Man, 24, Kunduz)

The returnees’ situation is addressed by Schuster and Majidi (2015) who argue deportation creates three reasons for re-migration: family commitments, debt and the shame of failure (Schuster & Majidi, 2015, p. 635-36). The returnees may experience discrimination and shame due to the conflict between reality and what is socially expected (Gomes, 2012, p. 2; Schuster & Majidi, 2015, p. 640). They represent Carling and Hernandez-Carratero’s reflection on the feeling of shame: “Returnees are not only frustrated and angry but also speak of a sense of shame in relation to having failed and coming home empty-handed” (Carling & Hernandez—Carratero, 2008, p. 4; Schuster & Majidi, 2015, p. 642). According to Schuster and Majidi, returnees are forced to rebuild a spoiled identity to hide their deportation and feeling of shame (Schuster & Majidi, 2015, p. 644). Many returnees refuse to tell people in Afghanistan they returned from Europe, and rather claim they return from neighbouring countries. Van Houte et al.’s (2014) fieldwork focuses on different types of returnees in Afghanistan which can be related to the returnees who do not want to expose themselves. By not exposing themselves, some of those who are deported may even lie about their return and choose to not return to their provinces of origin to their families and their communities. As the local NGO employee describes it, there are different reasons for why they do not want to return to their provinces:

*“Because of their families. Because of the stigmatising. They come back without anything when they return and feel ashamed because they get deported. They left this*

*country to give back to their families, but they do not want their families to see them without anything, so they do not return to their provinces.” (Local NGO employee)*

Agamben (1998) refers to the reduction of life to biopolitics in his critical understanding of a homo sacer who is reduced to “bare life” and is deprived of any rights (Agamben, 1998, p. 183). The concept of homo sacer rests on a critical distinction between bare life (zoê) or a qualified life (bios) (Agamben, 1998, p. 183-84).

Returnees stated they struggle to get a source of income after their return, and their families and relatives in Afghanistan and/or Europe are sending them money to survive. This is a shame for returnees, since it should be the opposite way from their point of view. The returnees who experience forced return face rejection and separation from their families and communities.

*“I don’t have any income and the people in this community are talking behind my back. When migrating to Europe, it is normal for Afghans to send money to family members in Afghanistan. I feel shame because I don’t have anything, and my family is assisting me with money. My plan is to migrate again as soon as I have the money ready.” (Man, 22, Herat)*

The returnees’ experience with the shame in his community is addressed by Schuster and Majidi (2015) on the stigma related to those who are deported to Afghanistan. The shame of failure is one of the three reasons that deportation results in re-migration (Schuster & Majidi, 2015, p. 635-636). The deported may try to hide their deportation by claiming that they are only visiting, but in reality, they are saving money to re-migrate (Schuster & Majidi, 2015, p. 644). The returnees face discrimination and shame because of the conflict between what is socially expected of the returnee and the reality the returnee is experiencing (Gomes, 2012, p. 2; Schuster & Majidi, 2015, p. 640). This is addressed by a returnee in this research:

*“Another challenge that we are facing is the shame and we feel embarrassed. So many have been asking us why we returned and why we couldn’t stay.” (Man, 18, Kabul)*

### 5.3 Rightlessness and the power of governments, international agencies and NGOs

The returnees point out the power relations between the EU, authorities/the Afghan government and the “global agencies”. When answering the question about what kind of assistance they

receive from different actors, both international organisations and NGOs, the returnees have different experiences with the assistance they receive. Donini (2012) refers to the commitment of the international community by separating humanitarian response to the Afghan crisis into four phases. The last phase is post-9/11, where the international community in Afghanistan has been diminished since 2001 and the need for humanitarian assistance was dismissed (Donini, 2012, p. 69). According to Donini, this led to a downward phase and could resemble the end of the Soviet invasion (Donini, 2012, p. 69). Özerdem and Sofizada (2006) claim that international organisations and NGOs are involved in the process of return and reintegration, and that UNHCR is the primary responsible organisation for the process of return and reintegration (Özerdem & Sofizada, 2006, p. 91). According to them, the involvement of international actors in Afghanistan demonstrates there has been more focus on physical reconstruction rather than social reconstruction (Özerdem & Sofizada, 2006, p. 91).

*“IOM helped me with money for food, travel and accommodations. I also got help and advice from UNHCR local NGOs here that connected me with a psychologist to speak about my journey back and how it affected me. UNHCR helped me to settle down and gave me a place to stay. They also helped me to get in touch with people for computer classes and English courses.”* (Man, 20, Kabul)

As explained in Section 2.9.1, UNHCR expects approximately 60,000 Afghan returnees and that internal displacement and complex political and security developments will continue in 2020 (UNHCR Global Focus, 2019). Türk (2019) introduces UNHCR’s main programmes in the same chapter; the programmes include gender equality, the rule of law, human rights, livelihoods and education (Türk, 2019, p. 65). Realities of gender equality are not in line with the description by a returnee who is a young female:

*“The living situation here as a female in Afghanistan is really bad. I am used to always be aware of everything around me. I do not walk outside alone, and this is one thing that I loved in Europe. I felt so safe, and I had my freedom. Girls are not free here. We are always scared to be kidnapped or harassed. I do not like this lifestyle at all.”* (Woman, 19, Kabul)

The same participant returned voluntarily with IOM’s AVRRE programme, which provides financial, logistical and administrative support (IOM, 2019). They are also providing

reintegration assistance to migrants who are unwilling or unable to stay in host countries and decide to return to their country of origin (IOM, 2019). This includes applying for travel documents, travel arrangements to Afghanistan, departure assistance, transit and arrival as well as financial support and transport assistance to their final destination upon their return to Afghanistan (IOM, 2002, p. 1). They offer limited follow-up when the returnee arrives to his/her country of origin, only if the returnee desires and it is realistic to offer the assistance the returnee is asking for (IOM, 2002, p. 1) The responsibilities of the international organisations are being critiqued by the local NGO employee, who points at the fact that returnees from Europe already are being neglected by the Afghan government:

*“The International Organisations do not do as much as they did before. IOM responsibility for the returnees are not so much as before. Their project with deportees is taken care of by another organisation. They only care about the registration for the returnees. It takes almost 1 month to register. And to get the relevant documents takes a lot of time. The returnee needs to wait for almost 7-8 months. And the returnee gets maybe 2000-2500 USD in the end. This is what the returnee is waiting to get. It is nothing. During these 7-8 months, the returnee does not have a place to live, they do not have anything. These months are so hard for the returnee. They feel neglected by the world. European countries just want to get rid of them, and when they return, no one is taking care of them, as they don’t exist.”* (Local NGO employee)

Regarding the government of Afghanistan, almost all of participants in this research refer to a fragile government, and that their capacity to help all returnees and IDPs in Afghanistan is limited.

*“The government is helping by register children back to school, and they want people to be able to claim their right on their properties. But when it comes to helping the returnees who are displaced, I don’t think that the Afghan Government is able to help all of them. It is sad to see the situation that they’re in. Most of them get drug addicted.”* (Man, 18, Kabul)

The returnees who were reunited with their families, state that they are not a priority because they have someone who can take care of them, although most of their families do not have a good economy.

*“The NGOs and International Organisations claim that we are lucky because my parents own some properties and that we have the opportunity to move on us. We received money from IOM when we returned voluntarily. My siblings got involved with UNHCR and their reintegration program. They are working voluntarily for them as well.” (Man, 18, Kabul)*

As introduced in my theoretical framework, Jennifer Hyndman’s (2000) theory on “preventive protection” is a structural strategy of assisting displaced persons within the countries that are harmed by war rather than taking them as refugees in countries nearby (Hyndman, 2000, p. 2). The governments choose interventions to supply assistance rather than having refugees cross a border. This is because migrants are perceived to cause an economic threat to traditional refugee resettlement countries (Hyndman, 2000, p. 3). In contrast to Hyndman’s preventive protection strategy, Özerdem and Sofizada (2006) argue that the return sustainability and durability are “... an integral part of solution whose durability must be in reach from the outset” (UNHCR, 2002, p. 1; Özerdem & Sofizada, 2006, p. 77).

*“We feel like we have no power and that we are being told what to do from people with power. We are in between the Afghan government and the EU, and they don’t understand that we are human beings who only want safety.” (Man, 18, Kabul)*

The JWF agreement between the EU and the Afghan government prevents irregular migration as well as focusing on the return of irregular migrants (be European Union and the National Unity Government of Afghanistan, 2016). Both the EU and Afghanistan state they will remain committed to all their international obligations, and the obligation to respect the provisions of the 1951 Convention Relating to the Status of Refugees (be European Union and the National Unity Government of Afghanistan, 2016). Bjelica (2016) argues that the JWF agreement was supposed to test Afghanistan’s willingness to take the responsibility of accepting Afghans who were rejected in their asylum claims (Bjelica, 2016, p. 2). All of the returnees state that they think it is irresponsible to send Afghans back to a country where people do not feel safe, where people kill each other, and where they return to nothing. One of the returnees who returned with her family, mentioned they did not receive any assistance, and that they are not a priority since she returned to their place of origin with her family.

*“I know that my parents signed some papers to receive assistance, but we have to wait. The assistance is limited, and the displaced needs help first. The returnees who become displaced are traumatised for the rest of their lives.”* (Woman, 19, Kabul)

The returnees were asked about what they thought about the return policies in the EU. They all answered that it is obvious that Afghanistan is not a safe place to return refugees and that Afghanistan is a country with different provinces, different cultures and different languages.

*“They are returning people to provinces they never have been in before. They don’t know anyone there, and sometimes they don’t even speak the same language. I don’t think people would sacrifice their lives if they weren’t desperate to flee the country.”* (Man, 25, Herat)

The returnees feel neglected by the European countries and that they are excluded from protection as refugees. The returnees explain the Afghan government does not do anything for returnees. They wish there was an information centre for returnees, to know what they should do when they return to Afghanistan. They get a small amount of money to take care of themselves for the first weeks, then they are left alone. Hannah Arendt (2004) argues the rights of the citizens are at risk when they are in the community which one is born into, but they do not belong, no longer have a matter of choice or when someone is placed in a situation where his treatment by others does not depend on what he does or not do (Birmingham, 2006, p. 36). She describes this extremity as the situation of people who are deprived of human rights (Arendt & Power, 2004, p. 296). Her theory on the right to have rights can be connected to post-return experiences; they became aware of the existence of the right to have rights or belong to some kind of organised community, because of the millions of people who had lost and could not regain their rights due to the new global political situation (Arendt & Power, 2004, p. 296-297).

This builds on Hyndman’s (2000) theory on the preventive protection strategy: to assist displaced persons within the country that is harmed by conflict, rather than taking them as refugees in neighbouring countries (Hyndman, 2000, p. 2). Preventive protection is based on governments who choose interventions which supply assistance instead of having displaced individuals who are in need of humanitarian assistance crossing a border (Hyndman, 2000, p. 2). According to Hyndman, the strategy is a less humanitarian practice than a donor-sponsor

effort to include the refugees who are forced to flee the country and is used to avoid the legal obligations that states have to refugees (Hyndman, 2000, p. 2).

In response to the question about what type of assistance they receive from international organisations, participants answered that assistance is limited in contrast to before. Returnees talk about IOM's return policy and that their project with deportees is taken care of through another organisation. IOM's responsibility is to complete the registration for returnees. One of the returnees claims that the registration takes almost 1 month to register, and to get the relevant documents takes a lot of time. The returnee had to wait for almost 7-8 months to receive money. During these 7-8 months, the returnee did not have a place to live and did not have anything. He describes those months as very difficult and he felt neglected from the world.

*“European countries just want to get rid of us, by returning us, and no one wants to take care of us, as we don't exist as human beings. This is why many returnees become addicted to drugs because of the desperate situation that we are in.”* (Man, 24, Kunduz)

#### 5.3.1 Responsibility for returnees

The returnees were asked about who they think is responsible for dealing with the issues returnees and IDPs are facing today, and how they connect this to violation of human rights. They were specifically asked if they think it is the international organisations' or the Afghan government's responsibility. Over 50% of the returnees thought the government of Afghanistan has the primary responsibility to provide assistance and protection to returnees and IDPs. They also think it is important to mention the government is in a fragile state. A lot of assistance is coming from international organisations including donors.

*“Anything between 60-70% of the budget of Afghanistan's government is covered by international donors. Over 80-90% of the security forces; police, military and courts are covered by international donors. The fragile government is a government that does not have the capacity to adjust the social duties in Afghanistan.”* (Local NGO employee)

The issue of reintegration is a challenge for the returnees, and especially when they do not have a support system to rely on. The term “integral reintegration assistance” defined by Özerdem and Sofizada (2006) should assist all returnees equally of post-war recovery.

Only half of the returnees claim the international organisations and the Afghan government have equal responsibility. They agree on the fact that the Afghan government is a fragile government and that the government relies on donations. One returnee stated that if the Afghan government did not receive any international donations, the Afghan government would not exist. In addition to the international organisations and the Afghan government, he mentions the EU's obligations to follow the 1951 Convention.

*“They need to follow the Convention, and they need to follow this by following up the refugees who claim asylum in a host country in one of the European countries. Article 31 of Non-refoulment, 1951 Convention, needs to be followed.”* (Man, 24, Herat)

Özerdem and Sofizada argue that it is necessary for international actors to deal with the issue of the complicated process of returnee integration while the responsibility for issues like land lies with the government (Özerdem & Sofizada, 2006, p. 91). They point at UNHCR as the central agency who is responsible for the return and reintegration process, and that many international organisations and NGOs are involved in this process (Özerdem & Sofizada, 2006, p. 91). According to Özerdem and Sofizada, the engagement of international actors in Afghanistan shows there is a focus more on physical reconstruction rather than social reconstruction (Özerdem & Sofizada, 2006, p. 91). For returnees in these interviews, it is important to return to something, but they experience they return to nothing and are in a vulnerable situation. A returnee mentions the deportation by the EU and feels that all actors are guilty in the fact that returnees and IDPs are in the situation they are in today. The returnees who claim international organisations and the Afghan government have equal responsibility for returnees and IDPs, also conclude that the only ones who are suffering in this situation are returnees and the IDPs.

### 5.3.2 Critique of the EU's return policy

There is a broad agreement when asked about the critiques regarding the EU's policy on sending refugees back to Afghanistan. All returnees said it is irresponsible of the European countries to return refugees back to a country that is not safe, although there are many provinces in the country. The security situation is a major challenge, and nearly all returnees responded that people would never sacrifice their lives if they were not desperate to flee the country. Despite the fact that Amnesty International (2017) declared that Afghanistan is unsafe to return to, as

well as advising the European authorities to stop all deportations to the country, several European countries with many asylum seekers claim they do not acknowledge any provinces in Afghanistan as unsafe (NOAS, 2018, p. 27). The returnees mention suicide bombs, street crime, and that people try to avoid going out after 6-7 PM because they are scared of being robbed and killed. All the returnees in Kabul agreed that a challenge is the huge population in the capital, and that the government does not have any control.

*“European countries have this ideology that it is safe for Afghan refugees to return to Kabul if they come from another province. Even UN have clearly said that Kabul is not a safe capital, and that there is no safe internal flight alternative. It makes no sense.”*  
(Man, 34, Kabul)

One of the participants, who is an employee from the international NGO, states that their NGO does not get engaged in the return programmes because of their disagreement with the deportations to Afghanistan.

*“We have made it clear that the European governments are deporting Afghans into Afghanistan and we will not be necessarily supporting them. Unless if it’s a very vulnerable family that is being left in a difficult situation. According to the UN, Afghanistan is officially the deadliest conflict in the world in 2019, which is the highest civilian numbers worldwide. This is why we disagree that any government should use any form of adjustments to return asylum seekers back to Afghanistan.”* (INGO employee)

As presented in Chapter 2 of this research, Van Houtte et al. (2014) claim that Afghan asylum seekers were more likely to receive legal status in host countries before, which stands in contrast to the migrants who came later (Van Houtte et al., 2014, p. 8). This was because of the shifted migration waves, the changing demographic constitution of migrants, the migration policies they were dealing with and the hidden international relations that have an important role regarding this issue (Van Houtte et al., 2014, p. 8).

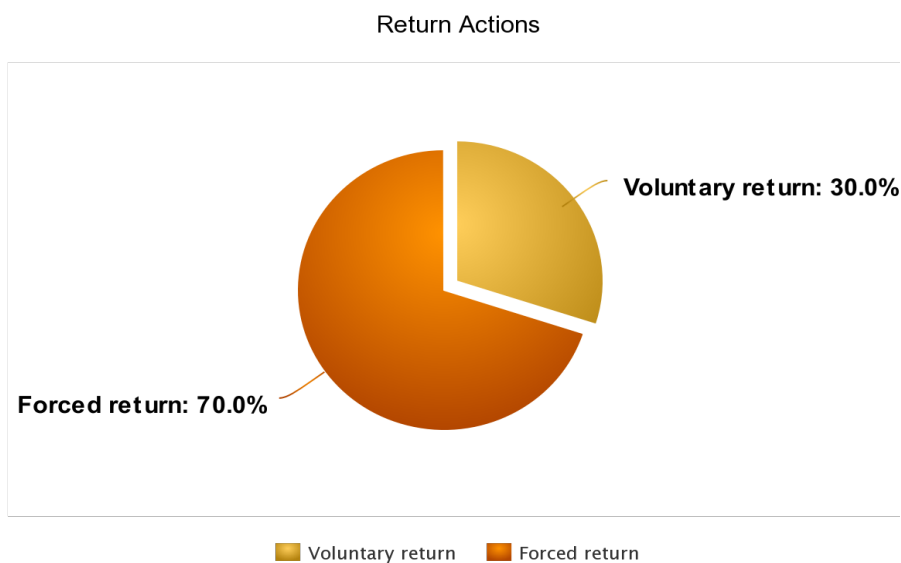
*“If you have money or not, I find it strange that they claim that the country is safe to return to. How can it be safe if people are risking their lives to get to Europe? We are privileged here, and my parents have properties, but life is not safe for anyone here. My*

*parents are always worried for me and my siblings to go out alone because there are so many who want to kidnap children for money. To get an education, you need to risk your life every day to get to school. There have been many terrorist attacks in schools, so people get scared to get an education. When you get an education, it's almost impossible to get a job because of the high unemployment rate. Life is hard here. We are left without any rights and power and are being told what to do by people with power. We are in between the Afghan Government and the EU, and they don't understand that we are human beings, and that all of this is so overwhelming for the Afghan people. The Afghan refugees don't have anything to return to, and our country is being destroyed right in front of us. Our parents are not used to "this" Afghanistan, and they would never leave the country if they didn't feel unsafe here."* (Man, 18, Kabul)

### 5.3.2 Return migration

Within the return policies introduced in Chapter 2, the return actions in the interviews are most visible in forced returns as demonstrated in the figure below, and even when some of the returnees were returned voluntary it seems that some of them were forced to choose that option. Most of the participants who selected assisted returned felt they had few or no other options than returning to Afghanistan. Nassim Majidi (2017) argues whether assisted return can be considered as voluntary and uses the Norwegian Directorate of Immigration as an example, who stopped using the term "voluntary" and rather uses "assisted returns" (Majidi, 2017, p. 12). There were very few participants who expressed the desire to return to Afghanistan, but the very few that wanted to return stated that it was because of the difficult situation they experienced in Europe, and that they wanted to return to be reunited with their families, for those who had their families in Afghanistan.

**Figure 2: Return Actions**



*The pie chart is based on the frequency of responses from all returnees*

Here are some of the returnees' explanations of their returns:

- *"I got deported from Germany. My application got rejected two times, and the police took me to a location. I got deported to Kabul the day after, a city I am not originally from."* (Man, 24, Kunduz)
- *"I realise that everything about rules and human rights are fake here. When I was taken by the police in Sweden, they forced me to sign papers that declared I voluntarily returned to Afghanistan. This happened after they threatened to deport me anyway. They told me that if I sign the form, I would receive assistance as well as support. I thought I could have a change of staying in Sweden, as they told me that if I don't cooperate, they would deport me to Afghanistan."* (Man, 26, Kabul)
- *"I got deported, and I got returned to Afghanistan two days after the police caught me. My asylum claim got rejected two times. The first time it got rejected, they told me that if I choose to return voluntarily, they would assist me with money. I was 17 when this happened, and I tried to explain that I had never been in Afghanistan before, but it*

*seemed that the authorities didn't care. I didn't come back because I wanted. I came back because I was forced to.*" (Man, 18, Herat)

Their explanations about their rightlessness is addressed by Arendt's rightlessness, where she argues the most devastating is that the world did not find nothing sacred in the "abstract nakedness" of being a human (Arendt & Power, 2004, p. 300). She argues that "if a human being loses his political status, he should... come under exactly the situation for which the declaration of such general rights provided.... It seems that a man who is nothing, but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man" (Arendt & Power, 2004, p. 300). This relates to a returnee who returned voluntarily back to Afghanistan together with her family because of the difficult life in Europe. She told about the hard life in the host country without money, housing or resources to continue a decent life in Europe. She mentioned many Afghans have savings when they migrate to Europe, but they did not have that. She stayed in Austria for almost two years together with her family. They chose to return with IOM's AVRR program.

*"Since we chose to return voluntarily, we got assistance with money, food and travel documentations while returning back to Kabul. The living situation in Afghanistan is really bad. I am used to always be aware of everything around me. I do not walk outside alone, and this is one thing that I loved in Europe. I felt so safe, and I had my freedom. Girls are not free here. We are always scared to be kidnapped or harassed. I do not like this lifestyle at all."* (Woman, 19, Kabul)

Agamben's theory of homo sacer, that is stripped down to bare life and taken away all his rights, can be related to the returnees' situation after her return. He describes that the person's *zoë* is politicised and caught in the sovereign ban and must find "the best way to elude or deceive it. In this sense, no life, as exiles and bandits know well, is more "political" than his" (Agamben, 1998, p. 183-184). This is when Agamben argues that *bios* and *zoë* are tied together, and there is an inclusion and exclusion at the same time. This can be related to the returnee, who is back in her country of origin, and reunited with her family, but she feels excluded in the way that all her rights are taken away, and she does not feel included as she did in Europe.

Regarding the desire and intention about their future, all the returnees except from one expressed that they did not regret leaving Afghanistan and wanted to leave Afghanistan again

to try to get to Europe. They want to work and support their families. Six of the returnees answered that they wanted to migrate in a legal way the next time because their journey to Europe was not a decent way to migrate. Almost all of the returnees expressed that they left friends and good connections behind when being forced back to Afghanistan. Majidi (2017) argues that when being forcibly returned from a host country, returnees leave relatives and friends behind, and this can compel migrants to return to the country from which they were deported (Majidi, 2017, p. 14). By receiving financial support from family and friends abroad, returnees can try to find a solution to leave the country again (Majidi, 2017, p. 13). While some of the returnees had an intension to leave to another province to be together with relatives, most of the returnees expressed an intention to remain in the same province so they could earn money and plan their future.

## 6 CONCLUSION

This thesis aimed to strengthen the voices of Afghan returnees to understand the challenges of returnees that are currently displaced in Afghanistan and how the local and international actors can better support the needs of returnees. The findings from individual interviews with Afghan returnees, a local and an international NGO employee have been presented in this thesis. Based on qualitative interviews with the participants, this thesis sought to answer two questions: (1) How do reintegration policies in Afghanistan address the challenges of protecting returnees that are currently displaced in the country? What are the main roles and responsibilities of the government, international and local actors regarding the protection of the rights of returnees and IDPs in Afghanistan?; and (2) How do returnees that are currently displaced in Afghanistan perceive their rights and main challenges to their reintegration process in the country? How do their experiences with governmental programmes, international and local organisations affect their lives?

This study encompassed the theories of the right to have rights, bare life, exclusion from and repression within the state and the politics of mobility. Thematic analysis was applied to develop themes related to the research questions. A fundamental objective was to identify and address the perceptions of the 'rightless' on failed reintegration policies and their paths from returnees to IDPs. The returns resulted in a range of challenges affecting the returnees, which were coded in themes: the lack of autonomy; separation of families and the bare life of shame; and the rightlessness and the power of governments, international agencies and NGOs. The lack of autonomy includes high unemployment rates, lack of education and the feeling of being excluded from the political community. The returnees seem to be unaware of their rights and how to claim them. The lack of holding identity documentation limits their path further, and the returnees highlight the danger of going to school because of the insecurity challenges in the country.

This thesis found the decision to return was not a choice for the participants, although some of them chose to return voluntarily, as they felt that they did not have any other options than returning to Afghanistan. The findings show that very few expressed the desire to return to the country. This thesis found that the main challenges returnees are facing upon their return is influenced by multiple factors: the ongoing conflict and the insecurity in the country; the return policies; the JWF agreement between the Government of Afghanistan and EU; and the lack of protection from international actors as well as the Government in Afghanistan.

The mass displacement of Afghan returnees leads to secondary displacement, and because of the ongoing insecurity, durable solutions remain unattainable for most IDPs. The participants who are IDPs reported to receive some form of assistance or aid but highlighted the long waiting time. The challenges the returnees are facing are complex and include a diversity of linked issues. The bare life of shame is a serious challenge which is hard to overcome. It ranges from the insecurity situation, the shame of returning empty-handed and the feeling of failing in the host countries. While the legal framework to protect and reintegrate the returnees and IDPs is in place, protecting the rights of returnees and giving them the opportunities at the same level as the citizens, it does not mean the returnees and IDPs are capable of benefiting from it. The findings from the interviews show that there is a lack of protection upon their return and the commitment from international and local actors is not as expected.

Throughout this study, the concepts of *homo sacer*, bare life and the right to have rights matter when doing a thematic analysis of Afghan returnees. To better understand their post-return experiences in their country of origin and how they are affected by ongoing insecurity and conflict, it is necessary to connect their experiences to the concepts presented in the theoretical framework of this thesis. Although there has been a focus on Afghan returnees' rights in national and international policies, as well as included in the "work plan" of national and international organisations, the actual commitment and implementation is in contrast with the policies and the organisations' goals.

As the participants for this thesis pointed out several times, the issue of the human rights is a complex challenge the returnees are facing; although the Afghan government is fragile, the participants claim the Afghan government can do more to fulfil their international human rights commitments. The critique on the EU's return policies of forcibly returning Afghans puts the returnees at a risk of experiencing complex violations of human rights. The Government should, according to the participants, stop receiving returnees and "urge" the international actors to stop the returns.

The thesis would like to point out the necessity of further research emphasising the reality of accessing human rights for returnees and IDPs in Afghanistan.

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## APPENDIX 1

### Interview Guide – Returnees

*Ask for the informed consent to conduct the interview and use the data only for research purposes.*

*Assure participants of their anonymity during their participation*

#### Demographic Information

- Gender
- Age
- Marital status
- Profession/Employment
- Children
- Occupation
- Place of birth
- Previous residence in Afghanistan

#### *Before leaving Afghanistan*

- Where in Afghanistan are you from?
- Why did you leave your country?
- Where did you go and how did you get to the country you wanted to seek asylum in?

#### *While staying in host country*

- How did you return to Afghanistan? (Ask whether it was voluntary or force return)
- Why did you return?
- Did you get any assistance with money, food and travel documentation while returning?
- What were the main challenges you have faced during this journey?
- What kind of documentation did you have?

### ***After the return to Afghanistan***

- Did you return to your place of origin, and are you reunited with your family?
- What kind of challenges do you meet as a returnee? (Employment, culture and language differences)
- What kind of assistance do you get from the government?
- What kind of assistance do/did you receive from NGOs?
- What kind of assistance do/did you receive from International Organisations?
- Did the NGOs and the International Organisations listen to your problems?
- Were you consulted about what your needs are and the best way to help you?
- What are the critiques regarding EU's policy on sending refugees back to Afghanistan?
- How are your life conditions? Do you have access to food, water and health care?
- Do you have any contact with other returnees?
- When you need help, who do you prefer to receive it from? What are the differences between the ways they act towards you?

	<b><i>YES</i></b>	<b><i>NO</i></b>
<b><i>INTERNATIONAL ORGANISATIONS</i></b>		
<i>NGOs</i>		
<b><i>FAMILY</i></b>		
<i>LOCAL RELIGIOUS LEADER</i>		
<i>OTHER</i>		

- Is the government helping in any way? Does the government intervene in the work of NGOs and International Organisations?
- How do you cope adapting again to the culture (ways of living) in Afghanistan?
- Do you regret leaving Afghanistan? Would you do it again?

### ***Desire and prospect for the future***

- What are your dreams?
- Are you scared of the security situation in Afghanistan?
- Are you planning to stay in Afghanistan?
- How do you see the future of your family and the future of Afghanistan?

## APPENDIX 2

### Interview Guide – INGO

*Ask for the informed consent to conduct the interview and use the data only for research purposes.*

*Assure participants of their anonymity during their participation*

Name of interviewer:

Name of interviewee:

Place of interview:

Date of interview:

- In what way do you think that IDPs and returnees coming from different parts of the country or abroad are facing more challenges in becoming part of the community?  
(Ref: Access to Tazkera and other civil documentation)
- *Access to livelihood*  
How does this INGO help IDPs with getting their “Tazkera” to find a job, and what challenges are you facing?
- Is the INGO dealing with returnees and their children who were born abroad? How do you reintegrate the returnees and how do the children get Tazkera?
- Returnees who get deported from Norway to Afghanistan receive 20.000 Norwegian Kroners (NOK) if they return voluntary and 13.000 if its forced return, and the offer to stay at a hotel for two weeks. After this, the returnee is left to continue his/her life on his/her own. Where and when in this process does NRC come in the picture, and what is your responsibility and your routine with the returnee?
- How do you describe the human rights concerning returnees and IDPs in Afghanistan?

- Afghan returnees and IDPs are feeling helpless and stuck without any hope for the future. Who do you think is responsible of dealing with the issues that IDPs are facing today, and how do you connect this to human rights? Do you think it is international organisations or the Afghan government?
- Many think it's irresponsible of European countries to send back refugees back to Afghanistan. By looking at the Guiding Principles, the IRL and IHL, what does NRC think about the human rights in this context?
- According to the Norwegian Immigration Law, an asylum application can be rejected if it's possible for the refugee to live in another province of Afghanistan. Most of the returnees get sent to Kabul which has the most terrorist attacks in Afghanistan today. According to the UN Statistics, Kabul is the city where most civilian people were being killed in 2018 and 2019. And the city is known for "the capital of suicide bombs". This NGO is operating in Kabul. How can you describe the returnees and the returnee-IDPs in the city?
- The national policy on IDP is similar to the Guiding Principles on Internally Displaced Persons. How is the Afghan Government together with NRC dealing with the challenges that Afghanistan are facing today?
- Which local NGO's in Afghanistan are you cooperating with concerning returnees and IDPs?

## Interview Guide – Local NGO

*Ask for the informed consent to conduct the interview and use the data only for research purposes.*

*Assure participants of their anonymity during their participation*

This participant from the Local NGO is also a returnee.

Name of interviewer:

Name of interviewee:

Place of interview:

Date of interview:

- Can you please tell me about yourself and how you got deported to Afghanistan?
- How did you start the NGO in Afghanistan?
- The afghan returnees who are returning back to their home country; How many afghans are returning back, where in Afghanistan do most of them return to, and which province are they originally from?
- In what way do you think that returnees coming from different parts of the country or abroad are facing more challenges in becoming part of the country again? (Ref: Access to Tazkera, access to education, home, food etc)
- Does this local NGO have specific projects they are working with which are dealing with returnees? Can you tell me a little bit about the different projects?

- *Returnees who get deported from Norway to Afghanistan receive 20.000 Norwegian Kroner if they return voluntary and 13.000 if its forced return, and the offer to stay at a hotel for two weeks. After this, the returnee is left to continue his/her life on his/her own.*

Where and when in this process does this local NGO come in the picture, and what is your responsibility and your routine with the returnee?

- How do you describe human rights concerning returnees in Afghanistan?
- What kind of challenges are you facing as a local NGO regarding the implementation of your work in Afghanistan? Do you get any support from the Afghan Government, other NGO's, EU or support from Norway?
- What challenges do you think the returnees are facing, and what do you think can be done to make it better for them?
- *Afghan returnees and IDPs are feeling helpless and stuck without any hope for the future.* Who do you think is responsible of dealing with the issues that IDPs are facing today, and how do you connect this to human rights? Do you think it is international organisations or the Afghan government?
- *Many think it's irresponsible of European countries to send refugees back to Afghanistan* is facing a new challenge, where the returnees become IDPs.  
By looking at the Guiding Principles, the IRL and IHL, what does this local NGO think about the human rights in this context?
- *According to the Norwegian Immigration Law, an asylum application can be rejected if it's possible for the refugee to live in another province of Afghanistan. Most of the*

*returnees get sent to Kabul which has the most terrorist attacks in Afghanistan today. According to the UN Statistics, Kabul is the city where most civilian people were being killed in 2018 and 2019. And the city is known for “the capital of suicide bombs”. in 2018, UNHCR stated that Kabul was no longer a safe internal flight alternative for those fleeing conflict or persecution in their area of origin. NRC is operating in Kabul.*

- How can you describe the returnees and the returnee-IDPs in the city? How is it possible for all these people living in Kabul?
- Do you think you will leave Afghanistan again?

## APPENDIX 3

### NSD's ASSESSMENT

10.5.2020

Meldeskjema for behandling av personopplysninger



#### NSD's assessment

##### Project title

From refugees to internally displaced persons (IDPs)

##### Reference number

538931

##### Registered

19.11.2019 av Maira Omar - 884482@student.usn.no

##### Data controller (institution responsible for the project)

Universitetet i Sørøst-Norge / Fakultet for humaniora, idrett- og utdanningsvitenskap / Institutt for kultur, religion og samfunnsfag

##### Project leader (academic employee/supervisor or PhD candidate)

Gabriela Mezzanotti, gabriela.mezzanotti@usn.no, tlf: 31009615

##### Type of project

Student project, Master's thesis

##### Contact information, student

Maira Omar, maira.omar@hotmail.com, tlf: 94838065

##### Project period

01.05.2019 - 30.04.2020

##### Status

19.02.2020 - Assessed

##### Assessment (1)

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##### 19.02.2020 - Assessed

Our assessment is that the processing of personal data in this project will comply with data protection legislation, presupposing that it is carried out in accordance with the information given in the Notification Form and attachments dated 19.02.2020, as well as in dialogue with NSD. Everything is in place for the processing to begin.

##### NOTIFY CHANGES

If you intend to make changes to the processing of personal data in this project it may be necessary to notify NSD. This is done by updating the Notification Form. On our website we explain which changes must be notified. Wait until you receive an answer from us before you carry out the changes.

**TYPE OF DATA AND DURATION**

The project will be processing special categories of personal data about ethnicity, political opinions and health, and general categories of personal data, until 30.04.2020.

**LEGAL BASIS**

The project will gain consent from data subjects to process their personal data. We find that consent will meet the necessary requirements under art. 4 (11) and 7, in that it will be a freely given, specific, informed and unambiguous statement or action, which will be documented and can be withdrawn.

The legal basis for processing special categories of personal data is therefore explicit consent given by the data subject, cf. the General Data Protection Regulation art. 6.1 a), cf. art. 9.2 a), cf. the Personal Data Act § 10, cf. § 9 (2).

**PRINCIPLES RELATING TO PROCESSING PERSONAL DATA**

NSD finds that the planned processing of personal data will be in accordance with the principles under the General Data Protection Regulation regarding:

- lawfulness, fairness and transparency (art. 5.1 a), in that data subjects will receive sufficient information about the processing and will give their consent
- purpose limitation (art. 5.1 b), in that personal data will be collected for specified, explicit and legitimate purposes, and will not be processed for new, incompatible purposes
- data minimisation (art. 5.1 c), in that only personal data which are adequate, relevant and necessary for the purpose of the project will be processed
- storage limitation (art. 5.1 e), in that personal data will not be stored for longer than is necessary to fulfil the project's purpose

**THE RIGHTS OF DATA SUBJECTS**

Data subjects will have the following rights in this project: transparency (art. 12), information (art. 13), access (art. 15), rectification (art. 16), erasure (art. 17), restriction of processing (art. 18), notification (art. 19), data portability (art. 20). These rights apply so long as the data subject can be identified in the collected data.

NSD finds that the information that will be given to data subjects about the processing of their personal data will meet the legal requirements for form and content, cf. art. 12.1 and art. 13.

We remind you that if a data subject contacts you about their rights, the data controller has a duty to reply within a month.

**FOLLOW YOUR INSTITUTION'S GUIDELINES**

NSD presupposes that the project will meet the requirements of accuracy (art. 5.1 d), integrity and confidentiality (art. 5.1 f) and security (art. 32) when processing personal data.

To ensure that these requirements are met you must follow your institution's internal guidelines and/or consult with your institution (i.e. the institution responsible for the project).

**FOLLOW-UP OF THE PROJECT**

NSD will follow up the progress of the project at the planned end date in order to determine whether the processing of personal data has been concluded.

Good luck with the project!

Contact person at NSD: Karin Lillevold  
Data Protection Services for Research: +47 55 58 21 17 (press 1)