

**EXTENSION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF PAKISTAN, THE ISLAMIC REPUBLIC OF AFGHANISTAN
AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GOVERNING
THE REPATRIATION OF AFGHAN CITIZENS LIVING IN PAKISTAN**

PREAMBLE

The Islamic Republic of Afghanistan and the Government of the Islamic Republic of Pakistan (“the States”) and the United Nations High Commissioner for Refugees (“UNHCR”), hereinafter referred to as “the Parties”,

(a) Recalling that the United Nations General Assembly Resolution 428 (V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, *inter alia*, by facilitating their voluntary repatriation and promoting their reintegration in their country of origin;

(b) Recognizing that voluntary repatriation, where feasible, constitutes the preferred durable solution for the problems of refugees, and that the attainment of this solution requires that refugees shall return in conditions of safety and dignity;

(c) Noting that Conclusions 18 (XXXI), 40 (XXXVI) and 101 (LV) of the Executive Committee of the High Commissioner's Program constitute internationally accepted principles and standards governing the voluntary repatriation of refugees;


(d) Noting the desire of the States and UNHCR to work with each other to achieve observance of the internationally recognized human rights principles and in particular those relating to the repatriation of refugees and displaced persons;

(e) Recalling the successful implementation of the Bonn agreement which led to the establishment of permanent government institutions and stressing the importance of the Afghanistan Compact launched at the London Conference and the Afghanistan National Development Strategy, which provide the framework for the partnership between the Islamic Republic of Afghanistan and the international community in achieving lasting security, governance, rule of law, human rights and social and economic development;

(f) Welcoming the exceptionally high number of Afghan citizens who have voluntarily repatriated in safety and dignity since 2002;

(g) Recognizing that this agreement applies to Afghan citizens who hold proof of registration (PoR) cards or, subsequent to the 2006-07 registration exercise, were individually recognized as refugees by UNHCR in Pakistan;

(h) Resolving to facilitate and assist the voluntary repatriation in conditions of safety and dignity, and reintegration in Afghanistan, of Afghan citizens covered by this agreement and now in Pakistan;

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(i) Recognizing the need to establish a framework for such co-operation and for joint planning and implementation of coordinated programs for the voluntary repatriation of Afghan citizens in Pakistan covered by this agreement with the support of the international community;

(j) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation of Afghan citizens covered by this agreement to their homeland with the assistance of UNHCR, and to encourage assistance for their reintegration in Afghanistan from the international donor community, inter-governmental and United Nations agencies, and non-governmental organizations

(k) Recognizing that the States have agreed that issues relating to Afghans in Pakistan not covered by this agreement will be addressed bilaterally and that, at the request of the States, UNHCR and other international organizations may be asked to help facilitate the process; and

(l) Acknowledging the efforts made by both States to reinforce their cooperation on population movements through other multilateral and regional mechanisms;

Have reached the following understandings:

ARTICLE 1

Establishment of a Tripartite Commission

A Tripartite Commission ("the Commission") for the Voluntary Repatriation of Afghan citizens from Pakistan is hereby established by the Parties.

ARTICLE 2

Composition of the Commission

1. The Commission shall comprise of six members; each of the Parties shall designate two members.
2. Any Member of the Commission may, when attending any meeting or other business of the Commission, be accompanied to its meetings by advisors.
3. Where a Member is unable to attend to any business of the Commission, that Member shall designate a substitute.
4. The Commission may, whenever deemed necessary or appropriate, and subject to agreement by all its members, invite relevant persons or organizations to participate in its deliberations in an advisory or observer capacity.

ARTICLE 3**Role and Function of the Commission**

The principal objective of the Commission shall be to facilitate the voluntary repatriation in conditions of safety and dignity of Afghan citizens covered by this agreement, and their reintegration in Afghanistan. The Commission shall determine the policies and advise the Parties on the measures to achieve this objective.

ARTICLE 4**Meeting of the Commission**

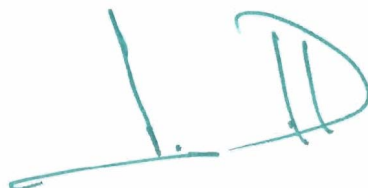
1. The Commission should be convened quarterly. Furthermore, such meetings may be convened at the request of any of the Parties and may be held alternately in Afghanistan and Pakistan or at any other mutually agreed venue.
2. The meetings of the Commission shall be chaired on a rotational basis.
3. The Commission shall adopt its own Rules of Procedure.
4. The decisions of the Commission shall be made on the basis of mutual agreement of the members.

ARTICLE 5***Ad Hoc* Tripartite Arrangements / Liaison Officers**

The States shall designate Liaison Officers at their respective Embassies in Kabul and Islamabad and in other locations, if necessary, with powers to deal with unforeseen operational issues on an *ad hoc* basis.

ARTICLE 6**Voluntary Character of Repatriation**

The Parties hereby reaffirm that the repatriation of Afghan citizens who are covered by this agreement shall only take place on the agreed principles of voluntarism and gradualism and based on their knowledge of the conditions relating to voluntary repatriation.



ARTICLE 7**Freedom of Choice of Destination**

The Islamic Republic of Afghanistan undertakes that Afghan citizens shall be free to return to, and settle in, their former places of residence or any other place of their choice within Afghanistan.

ARTICLE 8**Return in Safety and with Dignity**

1. The Parties agree that the voluntary repatriation program shall assist Afghan citizens under this Agreement to return to their final destination in Afghanistan in safety, freedom and with dignity.
2. Whereas the Government of Pakistan shall retain responsibility for the safety and security of Afghan citizens while on the territory of Pakistan, including in urban areas, staging areas and during convoy movements en route to the designated border area crossing points, the Islamic Republic of Afghanistan shall be responsible for the safety and security of the returnees once within the territory of Afghanistan.
3. With a view to ensuring that voluntary repatriation is sustainable, the Parties will advocate for the strengthening and expansion of the Islamic Republic of Afghanistan's national development programmes, focusing wherever possible on local communities in key areas of return, in compliance with existing legislation.

ARTICLE 9**Assurances upon Return**

1. The Islamic Republic of Afghanistan shall, together with other relevant parties, take the necessary measures to ensure that Afghan citizens can repatriate without any fear of harassment, intimidation, persecution, discrimination, prosecution or any punitive measures whatsoever on account of their having left, or remained outside of Afghanistan.
2. The Islamic Republic of Afghanistan recalls in this respect the guarantees contained in Decree No. 297, dated 13.03.1381 (3 June 2002), on the dignified return of Afghan Refugees, which fully applies to Afghan citizens returning from Pakistan under this Agreement.



ARTICLE 10

Juridical Status and Equivalency

The Islamic Republic of Afghanistan accepts to recognize the legal and civil status, including changes thereto obtained through the Registration and Information Project for Afghan Citizens (RIPAC), of Afghan citizens repatriating from Pakistan, including births, deaths, adoptions, marriage and divorce. The Islamic Republic of Afghanistan shall also seek to accord recognition, as appropriate and in accordance with the law, to the equivalency of academic and vocational skills, diplomas and certificates obtained by Afghan citizens while in Pakistan.

ARTICLE 11

UNHCR's Supervisory Role

UNHCR's supervisory role in facilitating and monitoring the voluntary repatriation of Afghan citizens covered by this agreement in order to ensure that repatriation is voluntary and carried out in conditions of safety and dignity shall be fully respected by the States.

ARTICLE 12

International Access Before and After Repatriation

1. In order to carry out effectively its international protection and assistance functions and to facilitate the implementation of this Agreement, UNHCR shall be granted free and unhindered access to all Afghan citizens in Pakistan falling under the scope of this Agreement. Likewise, UNHCR shall be granted free and unhindered access to all returnees wherever they may be located in Afghanistan, and Afghan returnees shall be granted free and unhindered access to UNHCR.
2. The Islamic Republic of Afghanistan shall, in particular, extend full cooperation to UNHCR to allow UNHCR to monitor the treatment of returnees in accordance with humanitarian and human rights standards, including the implementation of the commitments contained in this Agreement and in Decree No. 297.
3. In order to enable UNHCR to carry out its monitoring functions in accordance with paragraphs 1 and 2 of this Article, the Islamic Republic of Afghanistan shall inform UNHCR, in accordance with national and international law, of all cases of arrest, detention and legal proceedings involving returnees, and shall provide UNHCR with the relevant legal documentation on these cases as well as grant UNHCR free access to returnees under arrest or in detention.
4. Inter-governmental or non-governmental organizations implementing humanitarian assistance programs on behalf of UNHCR shall have access to Afghan citizens and



returnees in the context of this Agreement, as appropriate and in prior consultation with the Parties.

ARTICLE 13

Spontaneous Return

The Parties recognize that all assurances and guarantees as referred to in Articles 7, 9 and 10 of this agreement shall also apply to those Afghan citizens covered by this agreement who may return to Afghanistan by their own means.

ARTICLE 14

Information and Sensitization

UNHCR shall, in cooperation with other parties to this agreement, provide Afghan citizens covered by this agreement with objective, accurate and timely information on which they may base their decision to repatriate to and reintegrate in Afghanistan

2. The Islamic Republic of Afghanistan shall take measures with a view to creating conditions conducive to the repatriation and reintegration of returnees in safety and with dignity, and take all necessary measures to sensitize and prepare the population residing in areas of return.

ARTICLE 15

Registration and Documentation

1. In accordance with its mandate, and in consultation with the other parties, UNHCR shall undertake verification of the voluntary character of the decision to return of Afghan citizens in Pakistan who hold PoR cards.
2. Afghan citizens repatriating to Afghanistan under the UNHCR program will present their Proof of Registration (PoR) cards for deregistration by the National Database and Registration Authority (NADRA) in Pakistan. A VRF will be issued on deregistration to the PoR holder. Duly completed VRFs will be recognized as a valid identity and travel document for the entire family to and inside Afghanistan. Iris recognition processing will be mandatory for all returning Afghans wishing to obtain travel and reintegration assistance at designated Encashment Centers.



ARTICLE 16

Preservation of Family Unity

1. In accordance with the principle of family unity, UNHCR, in cooperation with the States, shall make every effort to ensure that families are repatriated as units and that involuntary separation during repatriation is avoided. Where such efforts fail, a mechanism shall be established for their reunification in Afghanistan.
2. In order to preserve the unity of the family, spouses and/or children of repatriating Afghan citizens who are themselves not citizens of Afghanistan shall be allowed to enter and remain in Afghanistan. The principle established herein shall also apply to non-Afghan spouses as well as children of deceased Afghan citizens who may wish to enter and remain in Afghanistan to preserve family links. Accordingly, the Islamic Republic of Afghanistan shall regularize their entry and stay in Afghanistan in accordance with the provisions under its laws on the entry and stay of foreigners and will favorably consider their naturalization.

ARTICLE 17

Special Measures for Vulnerable Groups

The Parties shall take special measures, within their respective jurisdictions, to ensure that vulnerable groups receive adequate protection, assistance and care throughout the repatriation and reintegration process. In particular, measures shall be taken to ensure that unaccompanied minors are not returned prior to successful tracing of family members or without specific and adequate reception and care-taking arrangements having been put in place in Afghanistan.

ARTICLE 18

Designated Border Area Crossing Points and Transit Arrangements

The Parties shall agree on border area crossing points for voluntary repatriation movements. Such arrangements may be modified to better suit operational requirements.

ARTICLE 19

Immigration, Customs and Health Formalities

The States shall simplify and streamline their respective immigration, customs, health and other formalities usually carried out at border area crossing points.

2. Returnees' personal or communal property, including household and electronic items, food and livestock, shall be exempted by the respective States from all customs duties, charges



and tariffs, provided that such property is not prohibited for export by the Government of Pakistan.

3. The States shall also waive all fees as well as road or other taxes for vehicles, including those which are part of the personal property of returnees, entering or transiting their respective territories under UNHCR's repatriation programme.

ARTICLE 20

Movement and Security of UNHCR Staff and Resources

1. The States shall facilitate the movement of staff and personnel of UNHCR and of its implementing partners as well as vehicles, relief goods and equipment used in the operation into, within and out of Pakistan and Afghanistan.
2. The States shall take all appropriate steps to ensure the security and safety of UNHCR staff and all other personnel engaged in the repatriation operation provided for under this Agreement.

ARTICLE 21

Relief Goods, Materials, Equipment and Communication

UNHCR shall endeavor to obtain the resources required from the international community to carry out repatriation operations. The Islamic Republic of Afghanistan, with the support of UNHCR, shall also endeavor to obtain the resources to implement reintegration activities in Afghanistan.

2. The States shall exempt from all taxes, duties and levies all relief goods, materials, equipment, and vehicles of UN agencies meant for official use in repatriation and reintegration operations. The States shall expedite the clearance and handling of such items.
3. The States shall authorize UNHCR to use UN communications equipment, including satellite communication, networks, designated frequencies and networks for inter-state and internal communication between offices, vehicles and staff and may, whenever operational requirements make this necessary, facilitate the allocation of other frequencies. The relevant written authorizations for equipment, frequencies and inter-state networks shall be issued to UNHCR in accordance with national laws and regulations.

ARTICLE 22

UNHCR Field Offices

UNHCR may, whenever required, for the purpose of a more effective discharge of its responsibilities under this Agreement, establish Field Offices at locations to be agreed with the State concerned.

ARTICLE 23

Continued Validity of other Agreements

This Agreement shall not affect the validity of or derogate any existing agreements, arrangements or mechanisms of cooperation between the Parties. To the extent necessary or applicable, such agreements, arrangements or mechanisms may be relied upon and applied as if they formed part of this Agreement to assist in the pursuit of the objectives of this Agreement, namely the voluntary repatriation and reintegration of Afghans.

2. This agreement will replace the Tripartite Agreement signed between the Parties in 2007, which expired on 31 December 2009.

ARTICLE 24

Resolution of Disputes

Any dispute concerning the interpretation or application of this Agreement, or any matter for which no provision is expressly made herein, shall be resolved amicably through consultations amongst the Parties. In particular, the Parties undertake to address possible questions of statelessness of Afghan refugees and returnees with a view to reduce its occurrence and seek solutions to address the hardships entailed for potentially affected individuals. The Parties may, by consultation, constitute sub-groups or sub-committees to resolve such disputes.

ARTICLE 25

Entry into Force

This Agreement shall enter into force upon signature by the Parties.

ARTICLE 26

Amendment

This Agreement may be amended by mutual agreement in writing by the Parties.

ARTICLE 27

Termination

This Agreement shall remain in force until 31 December 2012 unless it is terminated by mutual agreement of the parties prior to that date.

In witness whereof, the authorized representatives of the Parties hereby signed this Agreement.

Done at LAHORE, PAKISTAN, this 7th day of MAY, 2010, in three original copies.



For the Government of the Islamic Republic of Afghanistan
The Honorable Mr. Abdul Rahim
Acting Minister, Ministry of Refugees and Repatriation (MoRR)

For the Governme Pakistan
The Honorable Mr. Najmuddin Khan
Minister, Ministry of States and Frontier Regions (SAFRON)



For the United Nations High Commissioner for Refugees
Mr. Ewen Macleod
Representative, UNHCR Afghanistan