

Policy Paper

Seizing the opportunity for a coherent refugee policy!

Recommendations for the
protection of Afghans on various
levels of governance

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The images of despair coming from the Kabul international airport should put Western governments to shame. It is especially now that we must stand by those to whom we have a debt of gratitude for supporting our military mission in Afghanistan with their hard work and commitment. Germany has a moral obligation to bring our people back home as well as to bring to safety all those Afghans who have stood by our side through the years.

Statement of the German Federal President on the current situation in Afghanistan, 17/08/2021, translation our own.

Over the past few weeks, the world watched in horror as the Taliban rapidly took over Afghanistan. Greatly underestimated by many, the capture of Kabul caused great consternation on the part of the international community – even more so: complete helplessness. [1]

It quickly became apparent that even bringing Europeans and Americans out of the country evolved into a mammoth task. The chaotic evacuation of Afghan nationals who had for years provided essential support to various armies and especially to German ministries and civil society organisations, ultimately became emblematic of the West's failure in Afghanistan.

On August 27, the so-called “Luftbrücke” (German for “airlift”) of the German Bundeswehr came to an end. During their evacuation mission, the Bundeswehr flew 5,347 people from 45 countries out of Afghanistan, of which 4,400 were Afghan nationals. There are still more than 10,000 open requests for evacuation out of the country registered with the Foreign Office.

The coming days, weeks and months will bring a multitude of questions that international, European and German decision-makers will be expected to answer: What course will the international community and the European Union take? Did the Global Compact on Refugees manage to breathe new life into the by now 70-years-old Geneva Convention on Refugees? Or is the international community failing to guarantee the rights enshrined in international law to which Afghans seeking protection are entitled?

[1] This paper has also been published in similar form as a blog series on the [Blog of the Network for Forced Migration Studies \(in German\)](#).

Is the EU unilaterally relying on refugees being taken in by countries in the region and, at worst, becoming the political pawns of authoritarian rulers? Is it relying on the fact that the routes taken by refugees to reach Europe are becoming increasingly more dangerous and thus less attractive? Or will the EU Member States finally succeed in establishing effective, resource-based humanitarian cooperation between EU Member States and host countries on the basis of group-specific criteria (quotas)? Will European decision-makers take the events in Afghanistan and the situation of the Afghan people as impetus to establish regular, safe and well-organised pathways to Europe – a way in which refugees can become part of their host societies and contribute to social and economic development?

In recent weeks, both on the European as well as on the German national level, policy makers called to prevent a repetition of the events of 2015 and 2016: overburdened national asylum systems and European municipalities unable to cope with the reception of refugees. In fact, given the situation in Afghanistan, the coming days, weeks, months and years will challenge the international community, the European Union and Germany in avoiding another political crisis in the governance of forced migration and its root causes.

However, it must be stressed that the situation in Afghanistan and that of Afghans now fleeing the country is completely different from the situation that led to the large number of arrivals of refugees to Europe in 2015 and 2016. To name just a few points: For one thing, Syrians were able to leave their country at that time. For Afghans on the other hand, the borders of their own country are, for the most part, closed. Also, the routes to Europe remained open to refugees fleeing Syria in 2015 and 2016 for a long time. Today, border reinforcements have already been made and more are planned. According to estimates of UNHCR, up to 500,000 more Afghan refugees could be expected in the coming months. The vast majority of the nearly 2.5 million currently registered Afghan refugees are in Pakistan and Iran (2.2 million). Under these circumstances, it is unlikely that the number of refugees arriving in Europe will be as high as in 2015/16.

Nevertheless, the way in which Afghan refugees will be treated and the responsibility shown towards them will depend greatly on the lessons that actors at the international level, the European Union and its Member States draw from the arrival of refugees in this recent episode in history. Europe has been battling itself for years trying to arrive at a common European asylum policy and system.

The Taliban's accession to power in Afghanistan could be taken by European pioneer states, with Germany being one of them, as an urgent call to make a new push towards a common asylum and refugee policy.

In the following, we present policy recommendations for action in 21 key messages for decision-makers at different governance levels: (1) the international level, (2) the EU level, (3) the level of the German federal government and (4) the levels of the German Länder and municipalities. In each case, we highlight both short- and medium-term prospects, whereby there are also opportunities for overlap in the interest of coherent approaches. In the face of general concern, helplessness and incoherent policy approaches, the aim of this policy paper is to identify initial solutions and to make proposals for addressing the Afghan refugee situation at various levels of governance.

RECOMMENDATIONS IN 21 KEY MESSAGES

International level

1. The situation in Afghanistan should be taken as impetus to implement in practice, use and further develop the commitments and mechanisms of the Global Compact on Refugees as well as the Global Compact for Migration.
2. The rights of refugees enshrined in international law must be guaranteed by countries of origin, transit and host countries.
3. At the same time, host countries should be supported by the international community through financial aid and expertise.
4. There is also a need to take into account economic consequences, including as a result of sanctions, especially in neighbouring host countries and to find ways for funding and cooperation between economic actors and humanitarian partners for labour market integration.
5. Many Afghans have erased their digital “trails” for fear of the new regime. International efforts should therefore be stepped up to secure digital identities for vulnerable groups and to create high security platforms for storing personal data or make them more accessible.
6. Internally displaced persons (IDPs) in Afghanistan need to be further supported. Data on internal displacement provide an important basis for the support to IDPs.

European level

7. The further development and coordination of resettlement or humanitarian admission programmes should be pursued at EU level. The focus should not only be on increasing the number of existing places, but the processes for identifying and admitting refugees should also be made less bureaucratic and more transparent.
8. The relationship between the EU and Turkey needs to be re-examined and the EU-Turkey Statement renegotiated to include legal routes to Europe for Afghans in view of the worsening regional refugee crisis.

RECOMMENDATIONS IN 21 KEY MESSAGES

9. The Common European Asylum System (CEAS) must be reformed. The humanitarian crisis in Afghanistan should give new impetus to policymakers at the European level to make the CEAS more effective, consistent and compliant with human rights.

Ebene des Bundes

10. The Federal Government must agree on a coherent, coordinated approach on how to create pathways and integrate Afghan locals who were employed by Germany to help German efforts in Afghanistan. This should include the granting of prima facie status to Afghan refugees, the accelerated admission of local staff and extensions of residence permits for Afghans already living in the country.
11. The German Government should include the granting of prima facie status to Afghan refugees, the accelerated admission of local staff and extensions of residence permits for Afghans already living in the country.
12. The quotas in the German resettlement programme should be increased. In addition, the Federal Government should agree to humanitarian admission at the level of the German Länder.
13. The Federal Government should also suspend returns to Afghanistan for a longer period of time and launch an initiative of the Conference of Interior Ministers for a right to stay or a grandfather clause.
14. Integration measures should also be considered and promoted at the federal level in order to open up real prospects for arriving Afghans; this will require resources.

German Länder

15. The German Länder should set up humanitarian admission programmes for Afghanistan.
16. Universities should be supported in implementing academic support programmes for students, researchers and women's and human rights activists from Afghanistan.

RECOMMENDATIONS IN 21 KEY MESSAGES

17. Adapted and customised procedures for matching between municipalities and protection seekers have the potential to make local reception more needs- and resource-oriented.

Local authorities

18. Municipalities should take advantage of the political attention to signal local willingness to accept refugees and to make these offers more concrete.
19. They should proactively work to deepen dialogues with the Länder, federal and EU levels on humanitarian admission and resettlement. In this way, regular routes of forced migration and local integration can be better linked.
20. Possibilities for municipal cooperation with cities in the countries neighbouring Afghanistan should be explored. Cooperation with national and international donors will also play a decisive role in their impact and sustainability.
21. Local authorities should feed local experience and interests into international political processes on displacement and migration, so that these are geared to the actual needs and potential of the people on the ground.

1. RECOMMENDATIONS FOR THE INTERNATIONAL LEVEL

The first part of this policy paper is dedicated to the international level. Supporting Afghans is a responsibility and duty of the greatest urgency for the entire international community. The international community's responsibilities with regard to the situation and anticipated developments in and around Afghanistan extend to various short- and medium-term activities:

In the short term, humanitarian aid must be provided and financially increased, and diplomatic activities at various levels must be vigorously stepped up.

In the medium term, the following points should be addressed at the international level in the global refugee and migration regime:

- **The situation in Afghanistan should be taken as impetus to implement in practice, use and further develop the commitments and mechanisms of the [Global Compact on Refugees](#) as well as the [Global Compact for Migration](#).**
- **The rights of refugees enshrined in international law must be guaranteed by countries of origin, transit and host countries. At the same time, host countries should be supported by the international community through financial aid and expertise.**
- **There is also a need to take into account economic consequences, including as a result of sanctions, especially in neighbouring host countries, and to find ways for funding and cooperation between economic actors and humanitarian partners for labour market integration.**
- **Many Afghans have erased their digital “trails” for fear of the new regime. International efforts should therefore be stepped up to secure digital identities for vulnerable groups and to create high security platforms for storing personal data or make them more accessible.**
- **Internally displaced persons (IDPs) in Afghanistan need to be further supported. Data on internal displacement provide an important basis for the support to IDPs.**

Short-term recommendations

Humanitarian aid: According to the Inter-Agency Standing Committee (IASC), half of the Afghan population in early 2021 needed humanitarian aid (including 4 million women and 10 million children). Violent conflicts, droughts and the global COVID-19 pandemic have drastically worsened the situation. Since May 2021, the number of internally displaced persons in urgent need of humanitarian aid has doubled: It increased to 550,000 more people in addition to the 2.9 million internally displaced persons already counted at the end of 2020.

➔ The Afghan population therefore continues to need humanitarian aid. International organisations must find ways to stabilise the situation on the ground at least to the extent that emergency aid can be provided. This includes dialogue with the Taliban and, in the short term, to find a modus operandi that will enable providing aid to those requiring emergency aid, if this can be justified in human rights terms. In a Statement from 19 August 2021 the organisations of the Inter-Agency Standing Committee commit themselves to continue providing assistance in Afghanistan.

Financing humanitarian aid: According to the IASC nearly eight million Afghans received humanitarian aid in the first half of 2021. In order to provide aid to a total of about 16 million people, USD 1.3 billion are needed; so far (as of: 19/8/2021), humanitarian organisations have received 37% of the required funding, leaving a gap of USD 800 million. In addition, the refusal to recognise the Taliban as the legitimate government of Afghanistan also affects development cooperation efforts in a country heavily dependent on aid from external sources. It is therefore to be expected that Afghans will feel compelled to leave their country not only for political but also for economic reasons, and for the sake of sheer survival.

➔ International donors such as Germany should therefore urgently continue to support the work of humanitarian organisations financially, for example by increasing funds in the short term.

Step up diplomatic efforts: The situation in Afghanistan is already characterised by a multitude of diverging interests and is so politicised that a joint strategy of the international community seems unlikely. However, the German government, together with European and international partners, should work to ensure that Afghanistan does not continue to be instrumentalised as a pawn in international power struggles at the expense of the local population.

- ➔ A Conference convened by UN Secretary-General, similar to the one in 1979, could help obtain commitments from the international community at different levels: From Afghanistan to implement the pledge to protect the rights of its own citizens and the factual possibility of creating pathways for leaving the country in an orderly manner; from neighbouring countries to keep their borders open to Afghans seeking protection – or to reopen them in some cases –, to accept them and to protect their rights and living conditions; and from additional states to provide basic humanitarian aid and to agree to extensive resettlement and reception programmes for refugees.
- ➔ The German government should urgently enter into talks at the international level together with other European states as well as with the USA, Russia and China in order to prevent a protracted deadlock in the UN Security Council on the Afghanistan situation. Should there be signs of an escalation of tensions between the USA, China and Russia, Germany could take on a mediating role.
- ➔ In addition, the Federal Government should enter into bilateral talks with other host states, but also in coordination with other EU states, in order to explore possibilities for cooperation and support. It should also work to ensure that neighbouring states keep their borders open or reopen them and allow Afghans to enter the country.
- ➔ Although the Taliban can by no means be mistaken for a reliable partner in the medium and long term, let alone as a partner that upholds human rights, it seems necessary to establish or maintain ad hoc contacts with local Taliban leaders in order to be able to carry out aid operations for the local population and to guarantee the safety of the aid workers. Informal communication with local/regional Taliban leadership therefore seems to be – according to information from the few NGOs still active in Afghanistan – unavoidable in the short term.

Recommendations for the medium term

Using the Global Compact on Refugees as a blueprint: At the global level, the Global Compact on Refugees (GCR) with the Comprehensive Refugee Response Framework (CRRF) serve as a guide and toolkit for ensuring the rights of Afghan refugees enshrined in the Geneva Convention and its 1967 Protocol, and for the support of host countries. The Pact offers concrete approaches to the international division of responsibilities and formulates the desire of reaching a more predictable and comprehensive response to crises. This pact is also intended to prevent refugees from remaining in protracted situations for longer time periods without solutions.

➔ The Global Compact on Refugees served as basis for the development of the Solutions Strategy for Afghan Refugees and the creation of the Support Platform for the Solutions Strategy for Afghan Refugees (SSAR) as one of three support mechanisms of the Pact. Approaches to helping Afghan refugees in the region should build on the experiences made with this mechanism – or the mechanism itself –, which is internationally recognised.

The Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration, GCM) negotiated in parallel to the GCR by the international community and adopted in 2018 also contains a large number of approaches and commitments by the international community that extend to refugees and migrants. This includes opportunities for legal migration and access to basic services and rights. The GCM also addresses approaches pertaining to the increasingly mixed migration movements, which also characterise the migration patterns in Afghanistan as well as in its neighbouring countries and Turkey.

Protecting the rights of and ensuring integration opportunities for refugees: The rights and access of refugees to health, housing, education and to the labour market must be protected and ensured. If these rights are denied, people find themselves in a “limbo” for years and sometimes decades, making them dependent on state or international aid.

➔ The international community, the EU and Germany must work to ensure that refugees are able to secure their livelihoods both in initial host states in the region and in European states, and that they are integrated into their destination countries and supported in their self-reliance and resilience. It is unfortunately very likely that, in view of the refusal of the northern, central Asian neighbouring states to accept refugees, Iran and Pakistan will once again be the main host states – states that have already borne the brunt of the hosting of refugees since the Soviet intervention in 1979.

In supporting these countries, both unilateral and multilateral aid must be strictly linked to respect for human rights. Both in terms of security policy and human rights, states such as Pakistan and Iran are to be monitored critically.

- ➔ Access to safe, regular and durable pathways for forced migrants such as resettlement and humanitarian admission programmes should be improved. After a possible end to a Taliban rule, which is still uncertain, voluntary return to the home country in safety and dignity should also be made possible.

Relief and assistance to host countries: In addition to granting protection and rights to refugees on an individual basis, the host countries and their host societies should also be relieved and supported in the medium term. This can take the form of, inter alia, expanding humanitarian reception programmes in additional states as well as the provision of resources, such as know-how and experts by international organisations (UNHCR, IOM), EU agencies (such as EASO) and EU Member States. The host societies also need to be supported accordingly.

- ➔ The international community, Germany and Europe should also make resources available to host countries in the region in the medium term. This is also in the self-interest of states to avoid secondary migration, which can result from a lack of durable solutions. Such prevention has been the political focus of the EU and its Member States since the increased influx of refugees in 2015 and 2016.

- ➔ The focus now should be placed on partnership approaches around migration and human mobility with host countries in the region that reflect principles of mutual interests and 'eye-level' (e.g. by setting up joint expert committees, joint migration agendas and implementation monitoring). The UN's efforts to open a dialogue with host countries should be strengthened. However, proposals to outsource asylum procedures or preliminary examinations entirely to third countries, as a few individual EU Member States have suggested, should be rejected; this raises political, legal and operational questions (e.g., the guarantee of the non-refoulement principle in accordance with the Geneva Refugee Convention, the prohibition of collective expulsion, access to effective legal protection).

Considering economic consequences: Possible sanctions against the Taliban regime will also have dire economic consequences for the population. Sanctions (and secondary sanctions) also affect neighbouring host states such as Iran. Nevertheless, despite or even because of these complex interactions, cooperation between humanitarian organisations and economic actors could help to open up new financial instruments.


- ➔ Germany and other EU Member States, as well as the EU itself, can utilise funding and cooperation opportunities between economic actors and humanitarian partners to help create integration measures in host countries in the region.

Securing digital identities: National digital ID platforms are being used by increasingly more countries and therefore also affect refugees and migrants. A digital identity is based on data, biometric identifiers or identifiers linked to services or online profiles. In Afghanistan, however, there is now a risk, that digital IDs and databases can be used to identify and locate certain people by the Taliban in a targeted manner, leading many to erase their digital “trails”.

- ➔ Guarantees for data protection and transparency in the storage of large amounts of highly sensitive personal data, including biometric data, must be ensured through international agreements and legislation, including by the EU, and respected by host countries, humanitarian actors and municipalities.
- ➔ High-security platforms for personal data for refugees, migrants and other vulnerable groups should be expanded and made available to these groups. One example for this is Article 26 Backpack - The Universal Human Rights Tool for Academic Mobility.

Ensuring support and monitoring of the situation of internally displaced persons in Afghanistan: How the number of internally displaced persons in the country will develop is, at the moment, unclear. However, the number has already doubled between May and August 2021. While it is possible that this number will decrease again should conflicts and fighting end in certain regions, this, too, is difficult to assess in the currently still very chaotic situation. In addition to humanitarian aid, people need access to basic services such as housing, education and employment. However, the uncertainty of the humanitarian and security situation makes it very difficult for international and national organisations to reach people, and the data and knowledge base on internally displaced persons is becoming even more uncertain.

- ➔ The German government should advocate at the international level for the creation of a position of a Special Envoy of the UN Secretary-General for Internal Displacement and an annual conference for internally displaced persons. This Special Envoy should pay particular attention to the situation in Afghanistan.
- ➔ The recommendations of the “High-Level Panel on Internal Displacement” convened by the UN Secretary-General should also take into account the changing situation in Afghanistan (to be presented in September 2021). The implementation of recommendations by Member States and other stakeholders should pay particular attention to Afghanistan.

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- ➔ The ongoing collection of data and monitoring of internal displacement is fundamental. The work of the Internal Displacement Monitoring Centre should be systematically and sustainably supported by the international community and individual states in order to be able to plan and implement measures on the basis of up-to-date data on internal displacement.
 - ➔ International donors and funders should continue to support locally led projects for internally displaced persons and other vulnerable groups. Intermediary organisations that have experience in such contexts can serve as a bridge (e.g. the organisation Choose Love).

2. RECOMMENDATIONS FOR THE EUROPEAN UNION AND ITS MEMBER STATES

The second section of this policy paper deals with the perspectives and potentials of the **European level**. The European Union is a key level of decision-making and action for the coordination of coherent (policy) approaches in support of Afghans, and there are many instruments that should now be adapted and used. In addition, the humanitarian crisis in Afghanistan must be seen as a reason to reform European asylum policy to create a coherent, harmonised human rights-compliant system.

In principle, the European Union and its Member States should support and promote the activities of the international community referred to in section 1. In addition, short and medium-term recommendations for action can be formulated specifically for the level of the European Union and its Member States:

- **The further development and coordination of resettlement or humanitarian admission programmes should be pursued at EU level. The focus should not only be on increasing the number of existing places, but also on making the processes of identifying and admitting refugees less bureaucratic and more transparent.**
- **The relationship between the EU and Turkey needs to be re-examined and the EU-Turkey Statement renegotiated to include legal routes to Europe for Afghans in view of the worsening regional refugee crisis.**
- **The Common European Asylum System (CEAS) must be reformed. The humanitarian crisis in Afghanistan should give new impetus to policy makers at the European level to make the CEAS more effective, more consistent and more compliant with human rights.**


Short-term recommendations

Rapidly developing resettlement and humanitarian corridors, humanitarian visas and humanitarian admission programmes at the European Union level: Resettlement disrupts the “perverse logic” of territorial asylum. In addition to humanitarian goals, it has security, domestic and integration policy advantages. However: Opening up resettlement pathways should in no way be understood as an attempt to reduce access to asylum in safe third countries, irrespective of the channel of immigration, because Resettlement is not an instrument of migration control. Territorial asylum and resettlement rather complement one another.

However, the European Commission convened a network meeting on 17 August 2021 in the context of the Pact on Migration and Asylum to discuss EU preparations for increased arrivals of Afghan refugees. In a subsequent statement, the Commissioner for Home Affairs, Ylva Johansson, made it clear that the focus of European policy is primarily on supporting those countries neighbouring Afghanistan and preventing irregular migration. While she did call on EU Member States to increase national resettlement quotas, especially with regard to women and children, a European coordinated resettlement programme and its financing were not mentioned in this statement. The increase in national resettlement places in the Member States, their frequently mentioned need for coordination by the European Commission and also the European Parliament's call for humanitarian visas could now be put to good use.




The Federal Government should work together with other Member States to establish a European emergency programme for the reception of vulnerable refugees. Such a programme should avoid separating families wherever possible. Resettlement must be significantly improved both in quantitative as well as qualitative terms, and greatly accelerated. In qualitative terms, resettlement should be designed in such a way that transparency, accessibility and speedy procedures, including integration assistance, are at the forefront. This resettlement programme should be supported by private sponsors, but also by municipalities as sponsors – as a supplement to, not a replacement for, existing resettlement quotas that need to be expanded.

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- ➔ The protection granted by the so far never applied Directive 2001/55 EC (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof) provides persons seriously threatened or affected by systematic or widespread violations of human rights the possibility of receiving temporary protection, as well as for those who have fled from areas where there is armed conflict or continuing violence. It is now time for Member States to agree on such a solution.
 - ➔ Established programmes for the admission of particularly vulnerable persons e.g. in the academic field Scholars at Risk, PAUSE, Philipp Schwarz Initiative, Council for At-risk Academics and the IIE Scholar Rescue Fund need to be supported and coordinated at the European level in order to quickly admit at-risk individuals.
 - ➔ The European Agency EASO can play an important supporting role in receiving, registering and guaranteeing rights in European host countries.
 - ➔ City networks such as EUROCITIES are already animating their members to support states in receiving refugees by agreeing to take in people and contributing their by now vast repository of expertise in coordinating resettlement and the integration of those taken in, both within their administrations and in cooperation with local civil societies. Member States should take advantage of the expertise of these and other willing municipalities in order to accommodate refugees in a timely and effective manner and to ensure access to housing, health, employment and education. This can also bring benefits in the medium term (see also sections 3 and 4).
 - ➔ The EU Fundamental Rights Agency (FRA) should be directly involved in the drafting and subsequent monitoring of European policies; not only to prevent fundamental rights conflicts, but also to actively place human rights in the centre of European Afghanistan policy and all reception and distribution efforts towards Afghan refugees. It could also become more involved than previously planned in a new fundamental rights monitoring at the external borders of the EU.

Recommendations for the medium term

Not aiming to simply negotiate a EU-Turkey Statement 2.0: Immediately following the Taliban's seizure of power in Afghanistan, the media reported on discussions of an expansion or revision of the EU-Turkey Statement. An expansion without addressing problems already present in the current version will not be expedient in the current situation – assuming that the aim is to provide effective support for those seeking protection and not merely to close off Europe. To name just a few aspects of this complex field: Firstly, the numbers of Syrian refugees who have arrived in the EU through the EU-Turkey Statement using regular migration routes in recent years are rather small. According to the Federal Government, all EU states together have received approximately 28,000 Syrian refugees this way since 2016. Secondly, there are increasing reports of at times even violent tensions in Turkish cities and conflicts between the local population and refugees. With currently approx. 3.9 million registered refugees, Turkey is the country that has taken in the most refugees in the world and seems to be reaching the limits of its capacity to receive refugees. Whether an increase in financial aid can fundamentally change this situation appears to be questionable. Thirdly, in view of the repeated threats of the Turkish government, refugees entering this country run the risk of becoming a sort of ammunition in political battles. Fourthly, the Turkish government itself has already made it clear that the country will not agree to take in any more Afghan refugees. It is for this reason that the Turkish government has stated that the already heavily fortified border with Iran is to be guarded and monitored even more closely.

- ➔ The EU-Turkey Statement must be renegotiated in the short term and explicitly take into account the deteriorating situation of Afghan refugees in the region. This is because Afghans have not had access to the EU-funded aid programmes up to now, which are restricted to Syrian refugees. Any further support for refugee policy programmes in Turkey must include a requirement that Turkey upholds the principle of non-refoulement and that it ensures that Afghans have access to protection and aid. Equally, strict adherence to the principles of human rights must be ensured.
- ➔ Afghans should also be given opportunities for legal migration to the EU: The burden on Turkey should be lessened through regular resettlement to EU Member States.

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- ➔ The EU must also anticipate refugee movements towards Europe that will not go through Turkey and already seek to open a dialogue with bordering and neighbouring states. Here, too, it is crucial to prevent inhumane conditions along the routes and at the external borders.
- Rather, these regions must be strengthened in their hosting capacities, and refugees travelling on their own – for example, in cooperation with UNHCR – are to be granted access to asylum procedures or to resettlement and humanitarian admission programmes.

Transforming the emergency resettlement programme into a long-term strategy: The first EU resettlement programme was launched in July 2015. Until December 2019, 65,000 persons were resettled to EU Member States. Upon request of the EU Commission, Member States committed to offering more than 30,000 additional resettlement places in 2020. However, until now, the Commission’s aspirations towards implementing a long-term EU resettlement framework have been unsuccessful despite the Commission’s legislative proposal launched in July 2016.

- ➔ In the medium term, the EU should transform its emergency resettlement programme into a long-term joint resettlement programme. The Commission on the Root Causes of Displacement appointed by the Federal Government has made detailed proposals in this regard, which can be coordinated across the EU as well as internationally. The Robert Bosch Expert Commission on the reorientation of refugee policy under the chairmanship of Armin Laschet has also recommended for the years 2016 and 2017 – i.e. a period that saw a large number of refugees coming to Germany and Europe – to admit “several hundred thousand refugees” via resettlement as well as a substantial EU-wide programme, which must not replace the individual right to asylum (p. 72).
- ➔ This should be done using algorithm-based matching procedures (see sections 3 and 4) in order to ensure that the municipal level is also engaged and thus to effectively interlink resettlement with local integration. Such a procedure is not about “cherry-picking”, but rather about concretely reconciling the needs of refugees with the capacities existing in the municipalities and thus pursuing targeted, planned integration locally from the very beginning.

Improving the Common European Asylum System (CEAS): The Common European Asylum System is in crisis. This systemic crisis is jeopardising the cohesion of the entire Community and casting doubt on the central task of European asylum policy – ensuring international protection to persons facing persecution.

- ➔ EU legislators should take the deteriorating situation in Afghanistan and the region as a reason to give new impetus to the efforts to harmonise the CEAS and increase its efficiency. It is already possible to see a divergence of the paths taken by different groups of EU Member States in their treatment of Afghan refugees: While Greece is bolstering its border fortifications and Austria is largely refusing to accept Afghan refugees, other Member States are trying to find national solutions. The CEAS is thus coming under renewed pressure. However, this renewed urgency can also be an opportunity for rekindling the political dialogue in Brussels; Member States would do well to seize this opportunity.

3. RECOMMENDATIONS FOR GERMANY

Germany has shown in the past that it is capable – with great effort – of prioritising humanitarian considerations and focusing on saving human lives. This section makes proposals on how **Germany** can live up to its international legal, humanitarian and political responsibilities and support and protect Afghans. In this context, it is crucial to establish a coherent approach to aiding Afghan local staff, which must be coordinated between all relevant ministries, as well as expanding German resettlement quotas and incorporating integration policy measures into all policy approaches, with which Germany already has years of experience (despite all the need for improvement).

The following recommendations can be formulated for the federal level:

- **The Federal Government must agree on a coherent, coordinated approach on how to create pathways and integrate Afghan locals who were employed by Germany to help German efforts in Afghanistan. This should include the granting of prima facie status to Afghan refugees, the accelerated admission of local staff and extensions of residence permits for Afghans already living in the country.**
- **The quotas in the German resettlement programme should be increased. In addition, the Federal Government should agree to humanitarian admission at the level of the German Länder. • The Federal Government should also suspend returns to Afghanistan for a longer period of time and launch an initiative of the Conference of Interior Ministers for a right to stay or a grandfather clause.**
- **Integration should also be considered and promoted at the federal level in order to open up real prospects for arriving Afghans; this will require resources.**

Short-term recommendations

Accelerating the admission process for Afghan local staff and expanding the circle of persons entitled to enter the country: The possibilities of admission according to Sections 22 and 23 of the German Residence Act (AufenthG), must be put into effect immediately.

- ➔ The Federal Government should significantly accelerate the admission process for local Afghan staff, simplify bureaucratic requirements and expand the group of persons to include the entire family (regardless of age) as well as persons who have worked for German organisations (including non-governmental ones). For this purpose, visas for family reunification must be issued unbureaucratically in the neighbouring countries.
- ➔ The decision of the Berlin Administrative Court from 25/8/2021, which was given in summary proceedings, obliges the Federal Foreign Office to issue visas for an Afghan local worker and his family (decision of the 10th Chamber dated 25 August 2021 (VG 10 L 285/21 V)). This court ruling should serve as a precedent and a guide in the admission of Afghan local staff and their families and be generally applied in decisions under § 22 of the German Residence Act (Aufenthaltsgesetz).

Agreeing on a coherent, coordinated approach on the treatment of local Afghan local staff: The past few months have already made it quite clear that the Federal Ministry of Defence and the Federal Ministry of the Interior, Building and Community, the Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development are taking different approaches to the process of identifying, vetting and evacuating their respective local Afghan staff.

- ➔ In view of the rapidly deteriorating security situation in Afghanistan, it is important to take responsibility towards those Afghans who helped Germany on the ground. This requires a coherent policy coordinated between all relevant ministries which creates commitment and enables rapid action: Afghan local staff must be identified and evacuated according to uniform, liberal criteria. Such an approach will require the institution of visas on arrival as well as joint evacuation measures.

Granting prima facie status to Afghan refugees: The United Nations High Commissioner for Refugees ([UNHCR](#)) states: “Although a prima facie approach may be applied within individual refugee status determination procedures [...], it is more often used in group situations, for example where individual status determination is impractical, impossible or unnecessary in large-scale situations. A prima facie approach may also be applied to other examples of group departure, for example, where the refugee character of a group of similarly situated persons is apparent.”

➔ The Federal Government should immediately take advantage of this possibility and postpone security checks for prima facie refugees. These security checks, which are executed by the Office for the Protection of the Constitution and aim to inhibit the entry into Germany of individuals that could pose a threat to public security, would still be implemented – but only after the person-at-risk has been evacuated.

Increasing quotas in the German resettlement programme: Germany has been a member of the UNHCR Executive Committee (ExCom) since 1958 with the aim of offering refugees from conflict situations worldwide protection in a safe third country through safe migration routes. However, effective annual resettlement numbers to Germany were already very low before the COVID-19 crisis. This is all the more astonishing as the German government and population should in principle have a high interest in resettlement as an admission strategy because refugees arriving in Germany via these routes have already undergone several security and vulnerability assessments, both by the UNHCR and the German government, upon arrival.

➔ The Federal Government should significantly increase its quota of resettlement spots for 2021 to provide additional places for Afghans in need of protection. This increase in resettlement quotas should also be continued in the coming years. In order to optimally link resettlement and local integration, the Federal Government could work with municipalities interested in implementing a matching process between refugees and cities. There are currently pilot projects exploring this option being developed by German universities: at [FAU Erlangen-Nuremberg](#), and the [University of Hildesheim](#).

➔ Private sponsoring programmes, like “NeST - Neustart im Team” (new start in the team) should be expanded and permanently upheld by the Federal Government through the provision of funding. This can be done in conjunction with European and international efforts that are being bundled together under the Global Refugee Sponsorship Initiative (GRSI). Municipalities should also be more involved in such private sponsoring programmes.

Accelerating family reunification: This procedure, which involves the diplomatic missions abroad, the immigration authorities and the Federal Office of Administration, is cumbersome and protracted. The long processing times at the Federal Office for Migration and Refugees and the waiting times at the diplomatic missions abroad have both created a situation in which many families have already been separated from each other for years now. In her statement from 18 August, Commissioner Johansson calls on EU Member States to give special consideration to Afghan women and children in their resettlement programmes. These groups could also be granted access to safe migration routes through family reunification with relatives already living in Germany.

➔ The Federal Government should extend the possibility and accelerate the procedure for Afghan women and children to join relatives already living in Germany. To this end, the newly created Agency (the BFAA, the Federal Office for Foreign Affairs) of the Federal Foreign Office is to be used to speed up visa applications.


Extending (expiring) temporary residence permits immediately and unbureaucratically: At the end of 2020, there were 271,805 Afghans living in Germany. In the course of the year 2020, 1,540 Afghans were granted refugee status, 496 Afghans were granted subsidiary protection, and non-refoulement was determined for 2,550 Afghans. Between January and May 2021 alone, 6,631 Afghans applied for asylum in Germany.

➔ Afghans already living in Germany whose residence permit is limited in time and about to expire, should receive an immediate – albeit temporary – extension of their residence permit in order to prevent them from falling into a legal limbo and to give them real prospects for the future.

Expanding and supporting initiatives for human rights defenders: Defenders of human rights often need protection themselves. In the case of Afghanistan, acutely vulnerable people need urgent and immediate protection.

➔ Activities such as those of the Elisabeth-Selbert-Initiative by the Federal Foreign Office, a programme protecting human rights advocates, should therefore be promoted and expanded.

Supporting work visa initiatives: The Talent Airlift initiative started by a variety of actors in German civil society has created a platform in recent days that is intended to bring Afghan skilled workers and German companies together. Within a few hours, more than 130 companies have expressed their interest in the initiative's work.

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- ➔ German consulates in the region should cooperate with job placement initiatives and support visa procedures resulting from these initiatives.
 - ➔ Further potential of migration from Afghanistan for the purpose of training, further education and labour must also be explored.

Agreeing to humanitarian admission at the level of the German Länder: According to Section 23(1), sentence 1, of the German Residence Act, the supreme authorities of the Länder have the competence to admit persons in need of protection for “humanitarian reasons or to safeguard the political interests of the Federal Republic of Germany”; however, this must be done in agreement with the Federal Ministry of the Interior (see also recommendations in section 4).

- ➔ The Federal Ministry of the Interior should approve programmes proposed by the Länder in an expedient and unbureaucratic manner.

Recommendations for the medium term

Continuing to suspend returns and launch an initiative for a regulation on the right to stay or a regulation on grandfather clauses at the Conference of Interior Ministers: The Federal Ministry of the Interior has suspended returns to Afghanistan on 11 August.

- ➔ That should remain the case for the time being. In view of the certainly still extremely insecure situation in Afghanistan, the Conference of Interior Ministers should ensure that Afghans already residing in Germany are not only granted temporary residence status or a suspension of their deportation, but rather a permanent right to stay.
- ➔ In addition, the Federal Government should advocate at the European level for a uniform and effective ban on deportations to Afghanistan.

Supporting diaspora organisations: Organisations of Afghans already residing in the country can be supported by the Federal Government (and the Länder) in building technical, financial and administrative capacities and competences in their integration policy possibilities.

- ➔ The Federal Government and the Länder should support such organisations, networks and private individuals on the ground who, as has already been shown in the past, can provide linguistic and cultural support services, as well as knowledge regarding country- and region-specific particularities, to facilitate the reception and integration of Afghan newcomers. Support to these organisations reaches from funding, capacity-building or providing collaborative networks to involving them in decision-making processes at the local, Länder and federal levels.

Prioritising integration measures: One of the many lessons that followed from the high influx of refugees in 2015 and 2016 is the need for coherent approaches to integration that involve all relevant actors – at all levels. The Federal Government can and should also get involved here in order to give incoming Afghans clear prospects right from the start.

- ➔ The Federal Government should not only evaluate its funding programmes in terms of actual practical needs, but should actively encourage the Länder to develop a coherent, dynamic integration policy. However, “integration can only succeed if sufficient resources are made available” and if the way in which resources are provided is adapted to practical needs. An active integration policy includes political will and the provision of resources as well as enabling and strengthening civil society initiatives and organisations, municipalities, the private sector and individuals in engaging in integration.

4. RECOMMENDATIONS FOR THE GERMAN LÄNDER AND LOCAL AUTHORITIES

The fourth and final section of this paper focuses on the **role of the Länder and local authorities**. The German Länder and municipalities can make a decisive contribution to the local implementation of the recommendations presented in this paper for the international, European and federal levels. The early involvement of decision-makers from the Länder and municipalities in the conception of measures to protect Afghans increases the chances of implementing these measures in a politically coherent manner and with the support of the German population. In addition, the Länder and municipalities can use their own leeway to prepare for the protection and reception of Afghan refugees.

The following recommendations can be formulated for the German Länder:

- **The German Länder should set up humanitarian admission programmes for Afghanistan.**
- **Universities should be supported in implementing academic support programmes for students, researchers and women's and human rights activists from Afghanistan.**
- **Adapted and customised procedures for matching between municipalities and protection seekers have the potential to make local reception more needs- and resource-oriented.**

Since the Taliban seized power, more and more German municipalities have publicly declared their solidarity with refugees from Afghanistan, offered reception places and called on the Federal Government to work together with local authorities and the Länder to create safe routes via resettlement, humanitarian admission programmes, family reunification, work and student visas.

The following recommendations can be formulated for the municipalities:

- **Municipalities should take advantage of the political attention to signal local willingness to accept refugees and to make these offers more concrete.**
- **They should proactively work to deepen the dialogues with the Länder, federal and EU levels on humanitarian admission and resettlement. In this way, regular routes of forced migration and local integration can be better linked.**
- **Possibilities for municipal cooperation with cities in neighbouring countries of Afghanistan should be explored. Cooperation with national and international donors will also play a decisive role in their impact and sustainability.**
- **Municipalities should feed local experience and interests into international political processes on displacement and migration, so that these are geared to the actual needs and potential of the people on the ground.**

4.1 BUNDESLÄNDER

Short-term recommendations

Establishing regional humanitarian admission programmes for Afghanistan: The Berlin Senate declared on 17th August that it would draw up a regional admission ordinance. Thuringia's Migration Minister, Adams, has also spoken out in favour of a regional admission ordinance. Schleswig-Holstein, for its part, has committed itself to taking in 300 Afghan protection seekers. In Baden-Württemberg, representatives of the Greens have put an admission programme on the parliament's agenda. Other Länder, in turn, such as Lower Saxony, Hamburg and Bremen have decided to take the Federal Government to task and admonished them to follow through on their commitments. Humanitarian admission programmes run by the Federal Government and the Länder have already proved effective in the past.

- ➔ The governments of the Länder should concretise their announcements of humanitarian admission programmes in the short term and agree with the Federal Government on concrete possibilities for their implementation.

Initiatives for study visas and aid for scientists and academics: Study visas can provide valuable opportunities for young Afghans to begin or continue their studies in safe countries. One good example of intra-university coordination of study programmes for refugees can be found in Canada (World University Service of Canada's (WUSC) Student Refugee Program).

- ➔ The Länder should support German universities in providing study places for Afghan refugees, if possible within the framework of a nation-wide university network. Afghan students and graduates can be involved as “buddies” or mentors.
- ➔ Scholarships and fellowship programmes for academics at risk, including in particular programmes designed for the protection of human rights and women's rights activists – like Scholars at Risk and other programmes – should be expanded quickly and unbureaucratically and extended to Afghans seeking protection in a way that is tailored to their needs. As discussed in section 2, this also applies to other Member States of the European Union and should be coordinated at the European level.

Recommendations for the medium term

Matching: The use of a matching procedure to match municipalities and refugees seeking protection organised at the level of the Länder creates the possibility to make the distribution of refugees in the country more needs- and resource-oriented and to better coordinate the possibilities of the receiving Länder and their municipalities.

- ➔ The use of such a matching procedure, which can be algorithms-based provides the Länder with the possibility to use their large leeway and to strengthen integration beyond the scope of the “Königstein Key” through targeted distribution: By including central criteria, the preconditions and needs of those seeking protection can be better harmonised with the existing structures and resources of the municipalities (“matching”). This would enable municipalities to actively seize the potentials of migration for municipal development in the long-term, improve integration and participation, and reduce secondary migration.
- ➔ By taking into account both the specific conditions at the municipal level and those of the protection seekers, a more participatory distribution process can be achieved. This can have a positive effect on the acceptance of decisions on the distribution of refugees in the host society as well as on the part of those seeking protection, and thus prevent secondary migration. Changes and innovations of the last years in municipal administrative structures can be used sustainably by establishing a matching procedure.
- ➔ European municipalities willing to receive refugees and migrants should initially be able to register directly and unbureaucratically at the Länder level, but in the medium term also at the EU level or with the UNHCR via resettlement and private sponsorship programmes to receive additional refugees and migrants.

4.2 LOCAL AUTHORITIES

Short-term recommendations

Signalling willingness to receive refugees: German cities such as Berlin, Erlangen and Leipzig have published individual declarations in which they expressed their willingness to accept Afghan refugees. The German Association of Cities has also issued a statement in which it calls on the Federal Government to support Afghanistan's neighbouring countries and, in parallel, to set up a national reception strategy for refugees. Across Europe, more and more cities are speaking out in favour of humanitarian reception of Afghan refugees. The European city network EUROCITIES has collected some of these declarations. At the international level, the Mayors Migration Council has published policy recommendations for states and cities, which have by now been signed by over 50 cities worldwide and seven national, regional and international city networks.

➔ National and European city networks should use the momentum produced by high political attention to agree on and publish concrete figures for reception capacities in German and European cities. To this end, they should engage politically and diplomatically, individually or collectively through their networks and platforms, in national, European and international discourses and processes.

Initiating/deepening local-national dialogues: Humanitarian admission must be prepared locally. The European SHARE network shows that the involvement of municipalities in the implementation of resettlement and humanitarian admission can contribute significantly to the success of integration.

➔ National and European city networks should initiate dialogues between municipalities, national governments and EU institutions, and make concrete cooperation proposals to improve linkages between resettlement or humanitarian admission and local integration.


Recommendations for the medium term

Cooperation with cities in neighbouring countries: In recent years, European cities have gained much experience in cooperating with cities in North Africa and the Middle East. The Service Agency Communities in One World (SKEW), funded by the German Federal Ministry for Economic Cooperation and Development, has been coordinating the initiative “Municipal Know-how for Host Communities in the Middle East”, in which German municipalities work with host municipalities in Jordan, Lebanon and Turkey on issues such as waste and water management, education, labour market integration, etc. In Switzerland, the city of Zurich cooperates with Tyros in Lebanon in the promotion of urban mobility, and in the Mediterranean region, cities from Europe, the Middle East and North Africa are working together within the framework of the Mediterranean City-to-City Migration Project on the exchange of experiences and the development of concrete pilot projects for the integration of refugees and migrants which are also to benefit the local population. In addition, the Mayors Dialogue on Growth and Solidarity, initiated by the mayors of Milan (Italy) and Freetown (Sierra Leone), provides another framework in which European and African cities can initiate and maintain mutually beneficial cooperation.



In the medium term, German and European municipalities could engage in similar cooperation with cities in Afghanistan's neighbouring countries. This should not be organized through the development of new structures, but rather by drawing on/expanding existing networks and platforms.

Bringing together municipalities and potential donors: For municipal cooperation to be effective, it requires more than just symbolic funding. At present, this is still severely hampering the activities of initiatives such as Municipal Know-how for Host Communities in the Middle East. Next to national governments, foundations could also explore opportunities to channel funding directly to the municipal level. Development organisations and humanitarian actors should recognise municipal authorities as genuine partners. The Global Cities Fund, an initiative of the international Mayors Migration Council (MMC) to promote migrant and refugee inclusive local strategies for addressing the COVID-19 pandemic, builds on this idea. A few months ago, the MMC and the city network United Cities and Local Governments (UCLG) published a project prospectus. Through this prospectus cities present concrete, locally led projects written in the form of project proposals, which can thus be taken up directly by international donors and international organisations and implemented in cooperation with the respective city partners (local authorities, civil society, private businesses, etc.).

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- ➔ National and/or European city networks could support cities in the region surrounding Afghanistan to draft project proposals and present them in a coordinated way to the German government, the EU as well as international organisations, other national donors and philanthropic actors.
 - ➔ Funding requirements of the Federal Government, the EU and international organisations should be adapted so that in future funding can be provided directly to municipalities themselves (p. 21).
 - ➔ Integration policies at the municipal level can be designed horizontally – as an exchange between municipalities – and vertically – as cooperation with the federal and state governments – in such a way that local expertise built up in recent years is leveraged and in no case lost due to budgetary constraints brought by the COVID-19 pandemic. Since migration and displacement will remain a part of urban realities worldwide in the medium and long term, beyond the current events in Afghanistan, it is essential to preserve municipal knowledge and experience and make it accessible for practical use.

Strengthening international city diplomacy: Especially since 2018, cities have become increasingly involved in international processes on migration. This commitment has, for example, led to the creation of the Mayors Migration Council (MMC) and the Mayors Mechanism of the Global Forum on Migration and Development (GFMD). As places of reception, integration and inclusion, cities increasingly strive to engage in political processes on migration and displacement at the national and international level (UN, EU, AU, etc.).

- ➔ The inclusion of mayors in state delegations participating in international processes and negotiations on migration and displacement should become the established norm. This could be reflected in the mechanisms of the German Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development, e.g. for the upcoming 2022 International Migration Review Forum (IMRF) to review the Global Compact for Safe, Orderly and Regular Migration, and the 2023 Global Refugee Forum. Municipalities should also be involved in regional migration dialogues that link different regions of the world.

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About the Migration, Displacement and Integration Research Department at the University of Erlangen-Nuremberg:

The Migration, Displacement and Integration (MFI) Research Department is dedicated to the research of and teaching on current topics in migration, displacement and integration studies at the various levels of governance: global/international, regional, national and local. Our team has a broad national and international research network and is also active in policy advice and knowledge transfer to political actors and the media.

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