

IOM AFGHANISTAN

EXECUTIVE SUMMARY

DOCUMENTATION AND LEGAL IDENTIFICATION IN AFGHANISTAN



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LIST OF ACRONYMS

AFN	Afghani (currency)
COVID-19	Coronavirus Disease 2019
CSO	Civil Society Organisation
DfA	De facto Authorities
FGD	Focus Group Discussion
GoIRA	(Former) Government of the Islamic Republic of Afghanistan
HLP	Housing, Land, and Property
ICLA	Information, Counselling, and Legal Assistance
IDP	Internally Displaced Person
IOM	International Organization for Migration
KII	Key Informant Interview
MoFA	Ministry of Foreign Affairs
Moj	Ministry of Justice
NRC	Norwegian Refugee Council
NSIA	National Statistic and Information Authority
PMT	Programme Management Team
SSI	Semi-Structured Interview
TWG	Interagency Working Group on Legal Identity
UN	United Nations
UNAMA	United Nations Assistance Mission to Afghanistan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNCT	United Nations Country Team
US	United States



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This research study was developed as an initiative under the Interagency Working Group (TWG) led by IOM, with the financial and technical contributions from UNICEF, WFP and UNHCR and in collaboration with Samuel Hall – builds on previous research on civil identity and documentation in Afghanistan by analysing individuals' experiences with legal identity and identity management, since August 2021.

This study assesses questions of accessibility and acceptability under the De facto Authorities (DfA) and opportunities and risks associated with documentation in Afghanistan. A particular focus of the research is on the levels of documentation access and needs for women, children, adults, and persons with disabilities, internally displaced persons (IDPs), returnees, and ethnic and religious minorities.

METHODOLOGY AND OBJECTIVES

To assess the current situation around civil documentation and identity management in Afghanistan and provide clear recommendations forward, the study relies on data collection that took place between September and November 2022 through a phased approach, including remote quantitative data collection and in-person qualitative data collection.

This study focuses on understanding three core elements related to documentation in Afghanistan:

In January 2022, the UN Secretary General issued a statement, outlining that the DfA's technical and administrative capabilities had been diminished due to the high number of former civil servants and experts who fled Afghanistan or went into hiding, restrictions on women's right to work, and overall lack of financial resources to ensure smooth operation of services and payment of public sector employees.¹ Under the DfA, the functionality of all offices responsible for issuing legal identification documents has varied widely in the country, which has contributed to unequal access. The picture that has emerged since September 2021 is largely that of unequal access and risks throughout Afghanistan.

1. The accessibility of legal documentation and civil registration procedures in Afghanistan - and the access these provide (or limit) to basic and other key services
2. The levels of acceptability of legal documentation and civil registration - for the DfA as well as Afghans
3. The opportunities and risks available to the international community in ensuring adequate support and on sub-groups of the population to support.

1- UNSG, The situation in Afghanistan and its implications for international peace and security, A/76/667– S/2022/64, 28 January 2022, para. 4.

Tool	Target Group	Location	Total Respondents
PHASE I - REMOTE QUANTITATIVE DATA COLLECTION (SEPTEMBER 2022)			
Random Dial Phone Survey	The questionnaire included different sets of questions to target the immediate documentation and identification needs of: women, men, children, displaced persons, by province, and by ethnicity	Remote - nationwide, covering all 34 provinces	894
Callbacks	Callbacks included additional questions on civil documentation application under the DfA, costs (total and government fees) of documentation and identification and wait times for processing under the DfA for civil documentation.	Nationwide – remote	612 ²
PHASE II - QUALITATIVE DATA COLLECTION (NOVEMBER 2022)			
Key Informant Interviews (KIIs)	Relevant authorities in departments related to civil registration, documentation and legal identity management; community leaders; legal experts, CSOs, and consulates.	National, regional, international levels	17
Semi-Structured Interviews (SSIs)	Women, men, unaccompanied minors	Balkh, Herat, Nangarhar, Kandahar	42
Focus Group Discussions (FGDs)	Male and female representatives of affected populations and vulnerable groups, including hosts, IDPs, and returnees	Balkh, Herat, Nangarhar, Kandahar	46

KEY FINDINGS ON ACCESSIBILITY

1. IDENTIFICATION AND CIVIL REGISTRATION DOCUMENTATION HAVE BECOME MORE DIFFICULT TO ACCESS UNDER THE DFA

This is largely due to higher prices, office closures and understaffing, and lack of clarity on procedures. Price increases for e-Tazkiras - from 100 AFN to 300 AFN – and passports – from 6,000 AFN to 12,000 AFN. Office closures, and reduced number of staff and resources have hampered access to documentation generally under the DfA. For example, under the previous government (GoIRA), there were many offices in districts where people could get Tazkiras and e-Tazkiras. Currently, however, there are only a few offices that are equipped with the necessary resources to issue these documents. This has caused the processes for applying for documentation to become time-consuming, and people have to wait

for months to get their e-Tazkiras, passports, and marriage certificates in particular.

Birth certificates were the most commonly held forms of civil registration documentation in the four provinces; death certificates were the documents people surveyed and interviewed were least likely to have. This means many of the widowed female-headed households often struggle to get documentation for their children, as if their father is not present, children are typically unable to access paper Tazkiras and e-Tazkiras alike, which are required in Afghanistan to enrol children in school.

2- Please note that while there were 894 successful original interviews and 646 respondents were reached again during callbacks, 34 cases had to be eliminated given mismatching information provided by respondents during callbacks, due to the risk of the original interviews being invalid.

2. SEVERAL FACTORS CAN CONTRIBUTE TO BETTER ACCESS – NAMELY FINANCIAL MEANS, PERSONAL CONNECTIONS, AND LIVING IN URBAN AREAS

Those with financial means are typically able to afford the services of middlemen, who charge a fee in order to fill out forms and generally walk people through the process of procuring documentation. Those who had personal connections within the ministries and institutions processing documentation were able to better access documentation under the DfA, including members and supporters of the DfA; those with community leaders, family, neighbours, or friends who knew the system and could inform others; educated people who were more comfortable entering official buildings; and co-ethnic groups well represented in the DfA.

“I do not have the money to pay to get my documents. The most difficult issue is our financial problems. I also don't know about the process of getting documentation, where to go or how to get the documents. (...) Because of the lack of documents, I was deprived from school and from my studies. I also lost working opportunities and other social services.” – Ibrahim, a child head of household in Nangarhar province

3. GENDER, DISPLACEMENT STATUS, EDUCATION AND AGE ARE THE KEY MARKERS OF INACCESSIBILITY UNDER THE DFA

Under the DfA, women are required to be accompanied by a male companion in order to apply for identification and civil registration documentation. Other key challenges include - husbands not wanting their wives to interact with unknown men in government offices and unwillingness to have women's pictures on ID cards. Under the DfA, some men also believe that identification and civil registration documents are only necessary for those currently working – as women are barred from most professions under the DfA, opinions on acquiring documentation for women have shifted. Another associated challenge is lack of knowledge - many women who have not received formal education generally are of the opinion that they will not understand people in official government buildings, or feel that only those who are educated can understand the process of acquiring documentation.

Both returnees and IDPs face additional difficulties, related to their displacement, in accessing identification and civil registration documentation, which deprives

them of many crucial services – significantly humanitarian aid under the DfA. IDPs and returnees face challenges in accessing documentation within their host communities, as host members often do not want to act as a witness in Tazkira applications, as interactions between the two groups are limited, more so under the DfA. Displaced people must go back to their place of birth to procure a paper Tazkira, or validate an existing paper tazkira and to apply for an e-tazkira.

Age also remains a key factor in determining access to documentation, as children's legal identity remains tied to their parents Tazkira until age 7 – if their parents lack documentation, this typically means their children will also lack it. Unaccompanied minors and child heads of household are also more likely to lack documentation. Lacking documentation places children at higher risk of child marriage and child labour.

KEY FINDINGS ON ACCEPTABILITY

4. DEMAND IS HIGHER THAN AVAILABLE RESOURCES FOR E-TAZKIRAS UNDER THE DFA, WHICH HAS RESULTED IN MANY PEOPLE OPTING FOR PAPER TAZKIRAS

Tazkiras – whether they be paper or biometric – remain the first and foremost important document for Afghans under the DfA. As under the previous government, without a tazkira people cannot apply for a passport, cannot go to foreign countries and cannot process other documents. Without a tazkira, people cannot access humanitarian and social aid, or find a job – all of which have become more important for Afghans amidst widespread poverty, unemployment,

and increased needs for humanitarian aid. Afghans surveyed are aware of the importance of Tazkiras to access most services in Afghanistan - including other documentation. Most services (education, electricity, banking, formal employment) require the Tazkira as a form of national identification.

5. TRAVEL, ACCESS TO SERVICES, ACCESS TO HUMANITARIAN ASSISTANCE ARE THE MOST IMPORTANT REASONS AFGHANS WANT DOCUMENTATION UNDER THE DFA

Tazkiras, passports, and marriage certificates were amongst the top documents Afghans want to obtain under the DfA – largely due to increased numbers of people wanting to go abroad due to the economic and humanitarian conditions in Afghanistan, as well as widespread need for humanitarian assistance across the country, which often requires some form of identification in order to be received. Tazkiras and marriage certificates are the most important documents for women in Afghanistan. Under the DfA,

women are required to have a marriage certificate in order to travel to other countries, and need a Tazkira – either paper or biometric – in order to apply for a passport. Several women interviewed confirmed that without a marriage certificate, holding a passport is useless, as both are required to leave Afghanistan under the DfA.

6. ENFORCEMENT OF DOCUMENTATION UNDER THE DFA APPEARS TO BE HIGHER THAN UNDER THE GoIRA AND THE NSIA REMAINS THE MOST IMPORTANT INSTITUTION PROCESSING DOCUMENTS UNDER THE DFA

The DfA are asking people for documentation in order to access basic services, register children for school, and apply for other documents such as passports. Under the DfA, demands for paper tazkira have increased – under the previous government, there were plans to phase out the paper tazkira and replace it with the e-tazkira. Under the GoIRA, the Ministry of Interior Affairs was responsible for processing both Tazkiras and birth certificates. This role was transferred to

the National Statistics and Information Authority (NSIA) in July 2021. Under the former government, Civil Registration and Vital Statistics merged with the NSIA – who now handles processing of both birth and death certificates, as well as Tazkiras.

KEY FINDINGS ON OPPORTUNITIES AND RISKS

7. THE PROCESSES FOR CIVIL DOCUMENTATION ARE GOVERNED BY SEVERAL DIFFERENT ENTITIES UNDER THE DfA, DEPENDING ON THE TYPE OF DOCUMENT

Marriage certificates are processed and adjudicated by local district courts and the Supreme Court – who ultimately decides whether to issue official marriage certificates. Two witnesses and local representatives are required in order to confirm the married couple's identity. Birth certificates are typically issued by hospitals and health clinics – however this must be stamped by the NSIA under the DfA in order to be considered official. Death certificates require confirmation from community leaders, two witnesses, a Tazkira from a close relative, as well as confirmation

from district authorities. In some cases, authorities also require the Tazkira of the deceased.

“The Civil Registration Authority has new policies that are not shared. The current process for informing people about the cost of documentation is not through the media; it is made public by simple paper posted on the wall of the Tazkira centres to inform people that the cost has been raised.” – Municipal official

8. THERE HAS BEEN AN INCREASED LACK OF COMMUNICATION AND COORDINATION UNDER THE DfA ABOUT DOCUMENTATION PROCESSES AND PROCEDURES CAUSING CONFUSION AND DELAYS

Under the DfA, new policies are not shared through official seminars or training sessions with staff, but rather via social media channels – notably via WhatsApp groups. Under the DfA, communication about how to access identification and civil registration documentation has been limited to certain information pages on social media, as well as other sites to advertise and help with the process. Overall, under the DfA, there has been a lack of transparency, confusion, and fault application systems. Although documents such as

passports and e-tazkiras can be applied for online, in theory, in practice people have reported having to apply dozens of times, with many eventually forced to apply in person. The DfA have also been distributing hard copy forms for e-Tazkiras in particular, encouraging people to apply in person, rather than online due to the issues faced with the system. This has created an environment of confusion and delays that have come to define the documentation landscape in Afghanistan under the DfA.

9. OVERALL CAPACITY FOR PROCESSING DEMANDS FOR IDENTIFICATION AND CIVIL REGISTRATION DOCUMENTS HAS DECREASED UNDER THE DfA WHILE DELAYS AND UNPREDICTABILITY HAVE INCREASED

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CONCLUSIONS & RECOMMENDATIONS

Overall, this research demonstrated that access to and availability of documentation overall has decreased for Afghans under the DfA – largely due to closure of offices, lack of staff, and limited financial and material resources to meet higher demands. Those who live in urban areas, have personal connections, and/or the financial means are more likely to be able to access documentation under the DfA. Gender, belonging to a minority ethnic and/or religious group, being displaced, age, living in a rural area, and education all contributed to lower access levels for documentation, due to the many barriers posed under the DfA. The research carried out on documentation

in Afghanistan demonstrates several opportunities and risks related to legal identity and civil registration, which can facilitate future advocacy and support from the DfA, humanitarian partners, and the international community. Future work on identification and civil registration should be centred around the below objectives – which have informed three pillars of recommendation:

- Representation for all and participation in society
- Protection for certain groups
- Safe migration and international protection pathways

Tool	REPRESENTATION AND PARTICIPATION	PROTECTION FOR GROUPS	SAFE MIGRATION AND INTERNATIONAL PROTECTION
TO THE DFA	<p>Increase the number of centres for processing identification and civil registration documents</p> <p>Clarify the processes for acquiring civil documentation</p>	<p>Establish ID and passport distribution centres / hubs to improve access outside of urban areas</p>	<p>Strengthen national civil registration and identity management systems</p>
TO HUMANITARIAN PARTNERS	<p>Increase public awareness campaigns via radio, television, and religious leaders due to low literacy rates</p> <p>Organise mobile teams at the district level to widen access within more rural areas, as well as areas outside of provincial capitals</p> <p>Support moving the process of acquiring documentation online to eliminate travel for people</p> <p>Partner with legal offices to implement formal legal assistance programmes with documentation</p>	<p>Launch documentation programmes in mosques and in coordination with religious leaders at the community level</p> <p>Provide cash assistance to help people access documentation</p> <p>Support and scale-up community members supporting each other in accessing documentation</p>	<p>Support displaced persons and migrants caught in crisis situations with recording their vital events when unable to access services directly</p> <p>Provide evidence for the nexus between migration, displacement, and legal identity including their impact on the protection of migrants</p> <p>Pursue and strengthen a “whole of UN approach” in delivering a holistic and concerted support to national legal identity to contribute to enhance protection of Afghans outside of Afghanistan</p>
TO DONORS	<p>Provide financial support to open greater numbers of facilities for issuing tazkiras/e-tazkiras, passports, and civil registration documents</p> <p>Expand the “basic needs” mandate to cover funding for legal identity and civic documentation interventions</p>	<p>Greater need for capacity building under the DfA on issuing documents</p>	<p>Fund organisations to assist the DfA in assessing and improving the security of their documents.</p> <p>Facilitate more legal pathways for Afghans outside of Afghanistan</p> <p>Support Afghan embassies and consulates abroad financially to enable continued operations.</p>

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