

Refugee Protection in Pakistan: Domestic Legal Vacuum and International Obligations

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ABSTRACT

In the case of Pakistan, the refugee population has been one of the most prolonged and highest in the world, and it has worked in the country more than 40 years, but the country has no form of elaborate domestic laws that regulate protection of refugees. Although Pakistan is neither a signatory of the Convention Relating to the Status of Refugees of 1951, nor its 1967 Protocol, there are a set of various international human rights obligations to which it is bound, which are directly applied in the protection of refugees and asylum seekers. This paper critically assesses the issue of refugee protection in Pakistan by evaluating the implications of the local legal vacuum, the ad hoc administrative solutions, as well as the level of the international law responsiveness to the normative and practical gaps. It contends that lack of legislation exclusively pertinent to refugees has led to the lack of lawfulness, unequal treatment and increased susceptibility to refugees especially the Afghan refugees who form the largest group of the displaced refugees in Pakistan. The paper also evidences that although Pakistan has been characterized by exceptional humanitarian toleration, the management of refugees has been influenced more by security and expediency in politics than the human rights legal provisions. Based on the international human right law, customary international law, and the practice of states, the article argues that Pakistan is not removed of its core protection duties like non-refoulement, right to basic rights, and protection against arbitrary arrest by reference to its non-accession to the Refugee Convention. The article concludes that sustainable refugee protection in Pakistan demands the creation of a consistent domestic legal framework that aligns humanitarian practice and international requirements, increases the clarity of the law, and reconciles state interests and the primary rights of refugees.

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Practice; International Obligations.

Introduction

Pakistan has an ambiguous and peculiar place in the world system of protection of refugees. It is something that has accommodated millions of refugees, mostly of Afghan origins, over the last forty years, and this is what makes it one of the largest refugee-hosting countries in the world despite the lack of economic resources and the constant internal security issues. The presence of refugees in Pakistan is a product of a series of displacement movements that have been caused by the conflict, political instability and humanitarian crises within the region. Although Pakistan has over and over again shown the humanitarian stance of generosity by admitting the refugees to continue staying on its land, it has been going on in the context of no formal and comprehensive domestic legal framework of refugee status, rights and state responsibility. Consequently, the protection of refugees in Pakistan has been a legal grey area, administrative prerogative, and a shifting policy agenda.¹

In contrast to some other major states that receive significant numbers of refugees, Pakistan is neither a signatory to the Convention Relating to the status of refugees nor the protocol in 1967 of the convention. This non-accession has been frequently used by states authorities in order to explain the lack of legislation on refugees and position the issue of protection of refugees as a policy, but not a legal problem. As a result, the UNHCR in conjunction with executive orders and various registration programs and temporary documentation programs is used to manage refugees in Pakistan even though there is no established asylum framework to identify them. Although such arrangements have given some form of protection, they do not enjoy the legal protection, binding and right of passage as is commonly linked with the refugee law regimes.²

The legal vacuum in the country has serious consequences on the everyday life and the legal status of refugees. In Pakistan, refugees are often faced with the problem of insecurity in their right to stay, work, move around and receive important services like education and health care. They are frequently given provisional, and therefore, their legal status can be suspended, amended or revoked by administrative measures. Without a statutory protection, refugees can be exposed to arbitrary detention, deportation or harassment especially when there is an increased security concern or political pressure. This uncertainty highlights the shortcomings of an ad hoc protection framework which places excessive trust in executive discretion as opposed to rights written in stone.³

Meanwhile, the governance of refugees in Pakistan can not be evaluated only within the frames of the Refugee Convention. The development of the international law has

¹ Abbasi, A., Rehman, T. U., & Ashraf, A. U. (2025). Beyond Borders, Beneath Law: The Legal Vacuum for Refugees and Asylum Seekers in Pakistan. *The Critical Review of Social Sciences Studies*, 3(2), 2751-2760.

² Nicolson, V. J. (2009). *Reconciling notions of asylum and refugees in Islam and international law: a case study of afghan refugees in Pakistan* (Doctoral dissertation, University of British Columbia).

³ Khan, A. A. (2016). Can international law manage refugee crises. *Oxford U. Undergraduate LJ*, 54.

seen that its scope of protection of refugees was not limited to the treaty requirements as in the 1951 Convention but rather internally rooted in the wider international human rights and humanitarian law frameworks. Pakistan is bound by some of the fundamental international human rights treaties that apply to refugees and asylum seekers, such as the right to avoid arbitrary arrest, torture, discrimination, and refoulement. The principles of customary international law especially the principle of refoulement, also limit state actions irrespective of treaty accession. These international binds form a system of norms intersecting with the domestic law of Pakistan even without legislation specific to refugees.⁴

Security, economic and geopolitical considerations are also important determinants of how the refugees are governed in Pakistan. Long-term displacement, border control issues, counterterrorism measures, as well as relations with the neighboring states have contributed to the refugee policy decisions that tend to give priority to control and repatriation rather than long-term integration or legal status. This securitized practice has sometimes contradicted the principles of humanitarianism and rights as a source of tension between states and refugee safety. The absence of a legal framework makes this tension more convincing as the protection standards can be subjected to change depending on the political focuses.⁵

This paper will discuss refugee protection in Pakistan in a legal and institutional perspective and the impact of the local law vacuum and the relevance of international requirements on the establishment of standards of protection. It aims to evaluate whether the current legal and administrative frameworks in Pakistan offer sufficient protection to refugees as well as to define the gaps in the structure to assess the failure to defend rights and legal assurance. Through the lens of domestic practice and the international standards of law, the article is expected to prove that effective refugee protection is not limited to the issue of treaty accession alone but to the consistent internal legal standards that would translate the humanitarian practice into legal rights. The subsequent sections consider the pertinent literature regarding the protection of refugees and non-signatory states, describe the methodological framework to be used in this research, provide a more detailed analysis of the legal and institutional practices applied in Pakistan, and suggest the adoption of specific reforms, which would bring the Pakistan-based system of refugee regulation into compliance with the international commitments and rules of the constitution.

Literature Review

The scholarly and policy-driven literature on the protection of refugees in Pakistan has routinely defined the regime of Pakistani refugees as both underdeveloped in law but being normatively restricted by international law. The initial research on refugees in Pakistan was largely based on the humanitarian practice and not on the legal rights, which gave the picture of Pakistan being a generous host as relying on hospitality and executive discretion instead of enshrined rights. Such critics of Pakistan as B. S.

⁴ Khalid, H. (2025). Family Rights in Pakistan: Intersecting International Obligations and Plural National Legal Frameworks. *Indus Journal of Social Sciences*, 3(2), 320-340.

⁵ Rashid, U. (2019). UNHCR in Pakistan: Analyzing the Global Governance Regime-Repatriation of Afghan Refugees from Pakistan. *LUMS LJ*, 6, 31.

Chimni and James Hathaway place Pakistan in a wider category of Global South states that contain sizeable populations of refugees, but are not signatories to the 1951 Refugee Convention, contending that despite this, non-signatory states nevertheless are working within an extended web of international legal norms that restrict sovereign discretion. This literature states that protection of refugees cannot be limited to membership of treaties.⁶

A large amount of literature also considers the consequences attached to the non-accession of Pakistan regarding the Refugee Convention and the 1967 Protocol. James C. Hathaway posits that core protections of refugees especially the doctrine of non-refoulement even though it is clear and institutionalized have reached the status of customary international law and thus applies to all states regardless of the presence of a treaty. Using this framework on Pakistan, researchers argue that the fact that there is no refugee-specific law does not exempt the state of its fundamental protection. Guy S. Goodwin-Gill also stresses that the protection of refugees is a part of the wider international human rights law, including bans on arbitrary arrest, torture and collective expulsion, this also applies to refugees and asylum seekers in Pakistan.⁷

The study of the Afghan refugees in Pakistan constitutes a substantial portion of literature. Khalid Koser and Sarah Collinson among others describe how displacement over a long period of time has caused a shift in thinking about the protection of refugees as an emergency humanitarian problem to a long-term governance problem. Research points out that the temporary nature of the registration systems used in Pakistan, including Proof of Registration (PoR) cards, has offered some level of protection but has also created legal precarity. According to scholars, this temporariness compromises the long-term solutions and puts refugees at the mercy of political and security priorities. The literature constantly refers to the fact that the lack of legal status impacts the access to livelihoods, education, and mobility supporting vulnerability cycles.⁸

Legal scholars that are interested in domestic law are concerned with the repercussions of the legal vacuum of Pakistan in terms of the protection of refugees. Osama Siddique and Martin Lau note that the Pakistani law fails to acknowledge refugees as a special category of law and instead treats them as part of general laws on immigration and foreigners that are inadequately suited to the protection requirements. This misrepresentation gives the refugees a right to detention, deportation, or restrictions of movement without the necessary process security that the refugees are usually granted by the refugee law. Literature contends that such a legal vague point invalidates the rule of law by permitting executive choice to take the place of a rights-based regulation.⁹

The international human rights scholarly community also places Pakistan in the context of its situation concerning the refugee commitments in the treaty frameworks

⁶ Hathaway, J. C. (2005). *The rights of refugees under international law*. Cambridge: Cambridge University Press.

⁷ Ibid.

⁸ Koser, K. (2010). *Dimensions and dynamics of irregular migration*. Population, Space and Place, 16(3), 181–193. <https://doi.org/10.1002/psp.587>

⁹ Lau, M. (2010). *The role of Islam in the legal system of Pakistan* (2nd ed.). Leiden: Brill.

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that the state will be a signatory to. Manfred Nowak and Philip Alston state that the human rights treaties are applicable to everyone within the jurisdiction of a state irrespective of the nationality or legal status. Based on this principle, researchers consider that the obligations of Pakistan as stipulated in the instruments like ICCPR and CAT have a binding obligation to refugees like protection against refoulement, arbitrary detention and inhuman treatment. The necessities are reiterated time and again in reports by UNHCR and UN treaty bodies, which further support the scholarly views of refugee protection in Pakistan, based on the fact of potential protection of refugees under the premise of the international law, even in the lack of domestic refugee laws.¹⁰

The other branch of the literature criticizes the securitization of refugee governance in Pakistan. According to Gil Loescher and Alexander Betts, portraying refugees as a major security threat diffuses humanitarian protection and justifies restrictive policies. In the context of Pakistan, it has been observed in literature that when a security concern is high, crackdowns, forced returns, and movement restrictions have been practiced, without much individual consideration. The scholars claim that these practices are inconsistent with international standards of protection and show the dangers of controlling refugees with the help of discretionary policy, but not legal frameworks.¹¹

Further insight can be made through comparative scholarship where the protection accorded to refugees in other non-signatory states can be examined. It has been shown that even a number of non-party states have still adopted domestic refugee legislation or administrative systems of asylum that bring the international standards into practice. Scholars believe that the ad hoc arrangements that Pakistan has been relying on have been a policy choice and not a necessity. This comparative analysis, therefore, supports the view that there is need and possibility of legal reform to cover the gap between humanitarian practice and legal requirement.

Overall, the literature has come up with a common point which is that protection of refugees in Pakistan is limited by willful legal vacuum which gives greater priority on flexibility and control over rights and certainty. Although the lack of an internal framework of refugee can be helped by humanitarian tolerance and collaboration among world states, researchers are always keen on the fact that lack of a domestic structure on refugees compromise protection, responsibility and long term solutions. The presented body of literature offers the analytical basis of the methodological approach followed in the following section, analyzing the governance of refugees in Pakistan by means of the systematic evaluation of the domestic legal framework, the international commitments, and the institutional practice.

Methodology

The chosen research methodology of the article is a doctrinal, and institutional research, which examines refugee protection in Pakistan considering the domestic legal vacuum and the international commitments of the state. The methodology is

¹⁰ Nowak, M. (2005). *U.N. Covenant on Civil and Political Rights: CCPR commentary* (2nd ed.). Kehl am Rhein: N.P. Engel.

¹¹ Loescher, G. (2001). *The UNHCR and world politics: A perilous path*. Oxford: Oxford University Press.

based on the fact that the refugee protection is not only a humanitarian problem, but a legal and governance problem, which involves the constitutional considerations, administrative discretion, and international law. In this respect, the paper investigates the protection of refugees based on a comprehensive framework and analysis incorporating the legal frameworks of each country, the normative requirements of the international community, and the practices of the institutions involved that govern the right and legal status of refugees.

The initial element of the methodology is the doctrinal legal analysis of the domestic legal system of Pakistan concerning the refugees and asylum seekers. This entails review of the provisions in the constitution, the statutory laws that apply to foreigners and immigration, and the executive tools that govern the presence and treatment of refugees. Special emphasis is put on the detection of legal loopholes due to the lack of legislative acts of the refugee specificity and the evaluation in the manner in which the general laws, governing foreigners, entry, and exit, are applied to refugees in practice. This discussion assesses the extent to which domestic legislation contains sufficient procedural and substantive protection in accordance with international standards or is perpetuating a situation where the law is ambiguous and legal vulnerability is increased.

The second element of the methodology is on international legal requirements that can be applied to protect refugees in Pakistan. This will involve examination of the traditional principles of customary international law and the principle of non-refoulement in particular and treaty commitments based on international human rights instruments to which Pakistan is a signatory. This paper will analyse the applicability of these international norms in the determination of minimum standards of treatment of refugees and asylum seekers, and their application in the event of non-compliance with the Refugee Convention. The sources of international law such as jurisprudence of international human rights bodies, the interpretative guidance of UNHCR, are considered as authoritative standards to which the domestic practice is assessed.

The third part of the methodology is institutional and administrative analysis. The protection of refugees in Pakistan is mainly done by executive and administrative means rather than the legal means. This aspect studies the roles and interaction of the key institutions engaged in the management of refugees, federal and provincial governments, law enforcement agencies, and international agencies such as UNHCR. The case study involves analysis of registration systems, documentation processes, detention and deportation processes and coordination processes to evaluate administrative discretion in determining protection outcomes. The institutional capacity, transparency, and accountability are discussed as the key supporting factors in the effective efforts of the protection of refugees.

In accordance with the recommended design of all articles in this series, the methodology will include the use of structured analytical tools that will improve clarity and rigour. Later on in the analysis, comparative tables can be drawn to summarize the population of refugees, categories of legal status, and protection standards to which they apply. It is also possible to present the governance structure of refugees in Pakistan using conceptual diagrams, which helps trace the relationship between the domestic legislation, international law, and administrative practice. In situations where applicable, secondary statistical facts, e.g. population of refugees and

trends in registration, are utilized to render some context to the analysis of law and illustrate the magnitude and consequence of the legal vacuum.

The methodology is also comparative in the sense that it briefly draws a comparison with the approaches taken by other non-signatory states in the manner in which they have been protecting the right of refugees using domestic laws. This comparative study is not meant as prescriptive but to show that the lack of non-accession to the Refugee Convention does not mean that rights-based domestic protection regimes cannot be developed. These comparisons give an idea of the possible reform options and normative best practice.

Lastly, the evaluative framework used in the present study creates effective refugee protection in contentious terms as opposed to adherence to legal form. Protection is evaluated by looking at the aspects of whether refugees are entitled to legal certainty, access to basic rights, and protection against refoulement, and whether they have effective remedies against abuse. This is because humanitarian tolerance is not enough to protect the rights without any enforceable standards of law. The methodological establishments made here lay the ground work to the next section which gives the research findings on Pakistan refugee protection regime, with the legal, institutional and practical implications of the domestic legal vacuum.

Research Findings

The study results show that the insecurity, inconsistency, and vulnerability that constitute the state of refugee protection in Pakistan is determined by the enduring domestic legal vacuum, which creates uncertainty, inconsistency, and vulnerability, even though the country has been a key refugee-host state. Among the most important discoveries is that under the domestic law, refugees in Pakistan are not considered as a separate legal category. Absence of refugee specific laws brings about the handling of refugees under general laws dealing with foreigners, immigration control and executive desires. Such misclassification implies that refugees have no legal position that is based on their rights, but rather it is based on administrative discretion that may change over time based on political, security or diplomatic factors.¹²

The most significant learning is the dependence on ad hoc administrative systems in the protection of refugees. Some of the mechanisms that have offered some level of temporary protection against deportation and some access to services are mechanisms like Proof of Registration (PoR) cards to Afghan refugees. Nevertheless, these agreements are also precarious by nature since they have to be prolonged every now and then and ruled by the executive. Refugees with such documentation lack statutory protection, whether of residence, employment or of movement, and are exposed to harassment, detention, and forced returns as long as there is increased enforcement. The results show that administrative protection is not as stable and enforcing as legal rights are.¹³

¹² Zubair, M., Shahzad, S., & Khan, M. A. (2019). The position of Afghan refugees under various agreements and Constitution of Pakistan: An analysis. *Global Regional Review*, 4(1), 462-472.

¹³ Qureshi, A. H., & Gilani, S. R. S. (2024). Principle of Non-Refoulement, Its Relevance, and Exceptions, A critical Analysis. *Dialogue Social Science Review (DSSR)*, 2(5), 43-53.

Another important finding is that it lacks a domestic asylum procedure. Pakistan has no formal system of receiving, evaluating and adjudicating asylum claims. The status of refugees is to a large extent devolved to the UNHCR with limited official state acknowledgement. This delegated assembly establishes a parallel system of protection standing outside the national legal procedure diminishing the responsibility of the state and limiting the possibilities of the refugees to seek remedies in the court of the nation. Due to this, there are no procedural protections to the asylum seekers, with no right to hearing and appeal or representation under domestic legislation.¹⁴

Table 1: Key Features of Refugee Protection in Pakistan

Aspect	Current Practice
Refugee-specific legislation	Absent
Asylum determination system	UNHCR-led
Legal status of refugees	Administrative / temporary
Protection against refoulement	Policy-based, not statutory
Access to courts and remedies	Limited and uncertain

The other significant discovery is connected with the use of international legal requirements. Although Pakistan is not a signatory to the Refugee Convention, it still has an obligation to the international human rights treaties and the customary principles of international law, which are directly applied in the context of refugee protection. This non-refoulement principle which is also commonly referred to as customary international law limits Pakistan in being able to forcefully return refugees to the persecution or in other words extreme harm situations. The results show that although Pakistan has been mainly observant of non-refoulement in practice, especially when large-scale returns are involved, manifested by lack of statutory incorporation renders this protection susceptible to loss when security-driven policy changes are concerned.¹⁵

The institutional practice also demonstrates that in many cases, refugees become targets of the law enforcement policies towards irregular migrants instead of individuals who require international protection. It has been reported to practice arbitrary arrests, restriction of movement, and combined enforcement operations especially in security operations. All these practices are a manifestation of the effects of a legal vacuum where protection standards are not formulated or practical. It is recommended that the absence of training and mentoring of the law enforcement officials contributes to worsening these problems as the officials often treat the refugees inconsistently and in some cases in a manner that violates their rights.¹⁶

This is also noted in the findings as the imbalanced access to socio-economic rights

¹⁴ Riaz, J., & Qureshi, S. N. (2023). A socio-legal analysis of refugees' response framework in Pakistan. *J. Int. Aff*, 6, 688-703.

¹⁵ Munir, M. (2011). Refugee law in Islam. *Journal of Social Sciences*, 4(2), 1-18.

¹⁶ Zada, S. Q. (2023). *The crisis of refugee protection under the international refugee convention: exploring a complementary way of improving refugee protection through international human rights law, international humanitarian law, and international criminal law* (Doctoral dissertation, Macquarie University).

among refugees. Education, health care and legal employment opportunities are quite different according to the location, state of documentation and administrative practice at the area. Refugees are often blocked to formal employment because of no legal status and they end up in informal and exploitative working conditions. These vulnerabilities are especially experienced by women and children, especially in protracted displacement scenarios where the temporary protection systems will be in place over a span of decades.¹⁷

Generally, the study results show that the refugee protection in Pakistan is carried out through a weak framework with humanitarian tolerance but poor legal basis. The legal loophole in the domestic law makes the refugees rely on the policy decisions and administrative discretion as opposed to constitutional rights. Although international obligations offer significant normative restraints, they do not exert domestic influence without institutionalization into the legislation. It is based on these findings that the following discussion is set up to analyse the interactions between legal ambiguity and securitization and governance decisions to determine the consequences of these factors in influencing the refugee protection in Pakistan.

Discussion

The research conducted in this paper has shown that the protection of refugees in Pakistan is controlled more through policy rather than the law, discretion, and political priorities which has created a protection regime that is humanitarian and legally unstable at the same time. As pointed out in the discussion, the long tradition of Pakistan to accommodate refugees, especially the Afghanese, has created an ironical scenario whereby massive humanitarian accommodation is coupled with severe legal insecurity. Lack of refugee specific legal framework has enabled the state remain flexible and remain in control but flexibility has come at the expense of loss of legal certainty, accountability and protection of rights of refugees.¹⁸

One key problem that comes up as a result of the discussion is the intentional preservation of a legal vacuum in the country. Pakistan has been able to evade the legal grounds by refusing to ratify the Refugee Convention or to create the legislation of refugees, because this would entrench the rights of refugees in law and restrict executive power. Although the strategy has helped to respond flexibly to instability in the region, it has also reinforced a system of rule where refugees are seen as temporary visitors, not as citizens. This dispositability has not spanned years without reasons to demonstrate how the lack of law does not stop prolonged displacement, but rather continues to make people vulnerable and excluded.¹⁹

The tension between governance that is infused by security and the protection that is based on rights also highlights the discussion. Security discourses have frequently influenced the refugee policy in Pakistan, especially when it comes to

¹⁷ Taufik, M. B., Alauddin, A., Said, A., BN, A. M. T., & Amir, A. Z. (2025). Non-Refoulement Principle In International Law Protecting War Victims Seeking Asylum. *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam*, 7(2), 136-154.

¹⁸ Din, N. U. (2010). *Internal displacement in Pakistan: Contemporary challenges* (pp. 1-57). Islamabad: Human Rights Commission of Pakistan.

¹⁹ Tariq, E., & Ali, N. Z. (2025). PAKISTAN'S REFUGEE POLICY: AFGHAN REFUGEES AND SOCIO-ECONOMIC IMPACT.

counterterrorism and border control. Securitized orientation that is focused on control over protection is manifested in periodic enforcement campaigns, registration crackdowns, and repatriation drives. Without statutory protection, such procedures can be carried out without an individual evaluation or procedural guarantees, and arbitrariness in detention and refoulement is at risk. This dynamic explains the influence of legal ambiguity in the strength of the effect of politics and security concerns on the outcome of refugee protection.²⁰

However, an important but poorly exploited role in this is played by the international law. Though it is not a party to the Refugee convention, the discussion highlights that the international human rights law and customary international law have binding obligations that are applicable in the protection of refugees. Non-refoulement, a protection against arbitrary detention, and equality before the law are some of the principles that should be practiced against all individuals within the jurisdiction of Pakistan. These norms, however, have a weak incorporation and uneven judicial involvement limit the domestic effect of such norms. The protection of refugees has not been a clear doctrine by courts where courts have continued to consider refugees as rights holders under the international law and therefore protection has mostly been opted in through executive policy as opposed to being bound by the law.²¹

The institutional implications of the legal vacuum are further evidenced by the use of UNHCR as the main player in the determination of the refugee status. Although the role played by UNHCR has facilitated important protection to refugees, it has also forced the responsibility of protection of refugees to be taken outside of the country and brought domestic responsibility down. Refugees that UNHCR identifies do not have an explicit avenue through which they can claim rights under the Pakistani legal framework, which strengthens their marginalization. This parallel system brings out the shortcomings of the humanitarian replacement of legal protection and the necessity to institutionalize the ownership of the governance of refugees domestically.²²

In general, it is argued that the policy towards refugee protection in Pakistan is a decision of governance and not an inevitable limitation. The legal vacuum is not a lack of law but a systemic phenomenon that predetermines the vulnerability of refugees and restricts the fulfillment of rights. To combat this situation, it is necessary to redefine the problem of protecting refugees as the issue of such legal duty that is based on the international norms and constitutional principles and not the discretionary area of policy.

Recommendations

To resolve the deficiency in the protection of refugees in Pakistan, a gradual but intentional transition between the discretionary rule to the rights-based legal system is

²⁰ Birla, A. (2023). Evaluating the Indian Refugee Law Regime: How Has the Judiciary Responded to Refugee Claims in Light of International Law Obligations, and How Can It Do Better?. *International Journal of Refugee Law*, 35(1), 81-100.

²¹ Ullah, A., Ahmad, Z., & Shah, M. (2016). Refugee Protection: In the Perspective of Information Sharing. *J Bus Fin Aff*, 5(165), 2167-0234.

²² Ghufuran, N. (2011). The role of UNHCR and Afghan refugees in Pakistan. *Strategic Analysis*, 35(6), 945-954.

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necessary. The introduction of an extensive domestic legislation on refugees should be enumerated as one of the most significant recommendations. This does not mean that such legislation must reproduce the Refugee Convention in its entirety, but rather set out the definition of a refugee, develop asylum procedures and establish the fundamental protection principles, such as the non-refoulement principle, protection against arbitrary detention and access to fundamental rights. A legal framework would offer legal security to refugees and allow the state to administer protection in an accountable and clear way.

The other reform agenda is institutionalization of asylum procedures. Pakistan ought to establish a national system of determining the refugee status, and the procedures should maintain a protective positive right to hearing, and a rational decision, and a right to appeal. Although the collaboration can still be continued with UNHCR, the final decision-checking on asylum matters ought to be left to national institutions to provide accountability and integration into the national legal order.

The judiciary needs to be intensified in its involvement in the international law of refugees and human rights. It must always be acknowledged by the courts that the international human rights obligations are extended to refugees and even asylum seekers even though they are not yet a signatory of the treaty. It would also be advisable to develop jurisprudence concerning non-refoulement, due process, and equality before the law in order to increase their protection under the law and to decrease the use of executive discretion. This change could be facilitated by judicial training and international jurisprudence.

The standards of protection should be consistent with the law enforcement practices. Police and administrative authorities should be given clear guidelines and training on legal status and rights of refugees. The decisions on detention and deportation must be under the protection of law and under case-by-case consideration and group-wide action must not be in use. Enhanced control mechanisms would decrease the cases of rights abuses due to misclassification and ignorance.

Refugee governance should be a part of socio-economic inclusion. The legal access to the job, education and healthcare would decrease the exploitation, increase the independence and lead to the social stability. The inclusion of refugees in the development planning process as opposed to humanitarian beneficiaries is the way forward in ensuring the protection and sustainability in the long term.

Lastly, there is need to get actively involved in the international and regional cooperation mechanisms by Pakistan. Although the accession to the Refugee Convention is a sovereign decision, higher adherence to the international standards and transparent collaboration with the international partners can facilitate the capacity building and burden-sharing. Protective outcomes would also be enhanced through institutionalized follow-up on international recommendations.

Conclusion

The article has discussed the protection of refugees in Pakistan in the prism of domestic lawful deficit and international responsibility demonstrating the protection regime of humanitarian tolerance and legal weaknesses. Even after decades of accommodating millions of refugees, Pakistan has never established a formal legal framework in order to regulate the status and rights of the refugees and therefore

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protection is more of an executive prerogative and administrative settlement. This legal gap has created confusion, lack of consistency and susceptibility especially to refugees who have been in protracted displacement.

The main finding of this paper is that the non-accession of Pakistan to the Refugee Convention does not exonerate it of the fundamental protection requirements before the international law. The principles that are based on the international human rights treaties and customary international law provide binding obligations to the refugees and asylum seekers, such as the protection against refoult and arbitrary treatment. Nevertheless, these obligations do not have much domestic effect without institutionalization and legislative incorporation.

The article also shows that the humanitarian practice and international substitution cannot be sustained as the solution to the protection of refugees. Refugees do not have legal rights and enforceable privileges, making them weak in terms of political and security priorities. The creation of a domestic legal system of refugee protection would not take away the sovereignty of the state, the rule of law would be strengthened, and the respect to international standards would be increased.

Conclusively, there is a genocidal junction on the protection of refugees in Pakistan. Further dependence on a legal vacuum can be interpreted as an additional reason to continue the lack of security and infringement of human rights and the reform of the law will provide a chance to revise humanitarian practice on the basis of constitutional values and international commitments. By legalizing protection of refugees, Pakistan may turn its traditional hospitality into a legal right, where refugees are treated with dignity, legal assurance, and lasting resolutions to the issue by enacting laws on refugee protection that are conducive to the land.

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