

Still Waiting: the Afghans Abandoned by the UK

EXECUTIVE SUMMARY



Despite three years passing since the fall of Kabul in August 2021, the resettlement needs of Afghans remain desperately high. The Taliban have imposed increasingly severe restrictions on society, particularly targeting the rights of women and girls. The complex economic, social and humanitarian crisis has continued to worsen, compounded by recurrent natural disasters such as earthquakes and floods. It is estimated that over half of the population in Afghanistan will need humanitarian aid during 2024.

APBI released a report in August 2023 titled '[Two Years of Empty Promises: The UK Leaves Afghans Stranded and At Risk](#)' which highlighted the lack of access that Afghans have to functioning, safe routes in the UK. We build on this analysis throughout the report.

The implementation of the resettlement schemes introduced by the previous UK government (the **Government**) in the wake of the Taliban takeover has continued to face major challenges. Both the Afghan Relocation and Assistance Policy (**ARAP**) and the Afghan Citizens' Resettlement Scheme (**ACRS**) are still plagued by delays and inconsistent decision-making which have left eligible Afghans in very vulnerable situations for months, and sometimes years.

As of May 2024, around 15,500 people have been relocated under ARAP but a further 2,500 are still waiting for an initial decision. It has become apparent over the last year that some of the most at-risk Afghans, targeted due to their close connection with the British Armed Forces, are struggling to get resettled due to inflexibility with the eligibility criteria. The Government's accommodation policies have also prevented eligible Afghans from leaving the dangerous situations that they have been surviving in over the past few years.

The Government committed to resettling up to 20,000 Afghans under ACRS but as of May 2024, little over half this number have arrived in the UK. Around 1,200 of these arrivals have been under the first phase of Pathway 3. The operation of Pathway 3 is a real cause for concern as the Government has repeatedly promised a more expansive second phase but has failed to give specific details or a timeframe.

As the Afghan Pro Bono Initiative (**APBI**) highlighted last year, the various routes open to Afghans for family reunion are still hampered by narrow criteria and hard to meet thresholds. Regardless of whether someone has settled status and is applying for family reunion under Part 8 of the Immigration Rules and its various appendices, or is a refugee applying under Appendix Family Reunion (Protection) of the Immigration Rules, Afghans universally struggle to meet the unrealistically strict evidence requirements and to travel to Visa Application Centres to enrol their biometrics.

“You bring love back together, that is the best job in the world. You are amazing. You saved our lives.” – Mahery (not real name)

Many eligible Afghans and their family members have been let down by the Government and its policies, and have been left without hope in Afghanistan and the surrounding countries. Increasing hostility from the authorities in Pakistan and Iran this year have changed the landscape and added urgency to this situation.

Since its launch in March 2022, APBI has been committed to assisting with addressing the growing need for Afghans to access crucial legal information, advice, and representation concerning safe routes to the UK. In connection with its work offering legal representation, APBI is now able to offer legal aid as a way of funding judicial review cases before the Immigration Tribunals and higher courts.

Still Waiting: the Afghans Abandoned by the UK report by APBI highlights the challenges, both new and continuing, still faced by Afghans seeking safe routes to the UK via resettlement schemes, and the family reunion rules. Its findings are based on extensive casework, research, case studies, and focus group discussions with clients and Afghan community members. This report puts forward a series of recommendations that APBI believes would go some way to addressing the highlighted issues. Following the change in government in July 2024 from the Conservatives, who had been in power for 14 years, to Labour, APBI hopes the new Government will take action in these areas.

Urgent Actions



Flexibility in Documentation Requirements: The Government must accept alternative forms of evidence, such as detailed witness statements, community leader evidence, and expert reports, in place of difficult-to-obtain documents like marriage certificates, and employment records. It needs to be practical about what it is asking for and not start from a default position of refusals.



Case-by-Case Biometric Waivers: The Government must urgently review and amend its policy for biometric deferral and biometric waiver on applications from countries with no functioning visa application centres like Afghanistan. It needs to apply a flexible and humane approach, like the one applied to Ukrainians under the Ukraine scheme. Where identity can be established and the journey is high-risk, applicants should be granted a pre-determination prior to travel to the visa centre. Where applicants, such as unaccompanied children, are particularly vulnerable, the biometric requirement should be waived.



Regular and Clear Communication: The Government must introduce a system to provide regular updates to applicants on their application status, including any changes in policy. This will alleviate some of the stress caused by such big delays, and also help to combat misinformation.

Scheme-Specific Actions



ARAP – Safe Pathway for Triple Members: The government must ensure that Triple members who worked closely with the British Armed Forces can access a safe pathway to the UK through ARAP by lowering the threshold for proving 'imminent threat to life' and reclassifying their cases to reflect their significant contributions and risks.



ACRS – Clear Timeline for ACRS Pathway 3 and Conclude Resettlement of Eligible Applicants: The Government must prioritise resettling all eligible individuals under the first phase of Pathway 3 of ACRS, particularly those facing difficulties in Pakistan. A clear and detailed timeline for the implementation of stage two of Pathway 3 must be introduced and this timeline should outline specific milestones, including when and how many different groups of Afghans will be resettled.



Family Reunion – Harmonise Family Reunion Policies: The Government must establish specific family reunion routes tailored to each scheme, ensuring that all Afghans eligible under different routes have equal access to family reunification opportunities. This should include adjusting the financial requirements under Appendix FM to reflect the economic realities faced by newly-arrived Afghans.