

# Still Waiting: The Afghans abandoned by the UK

August 2024



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**Afghan  
Pro Bono  
Initiative**





Bamiyan Airport. Bamiyan, Afghanistan (2021). Photo Credit: ©Kayhan

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## Feedback

We have made every effort to ensure the accuracy of the information in this report at the time of publication. If you have any comments, please share your thoughts in this [feedback form](#).

Please note that while project staff may not be able to engage in discussions regarding opinions on our research, we will carefully review and correct any factual inaccuracies.

# Acknowledgements

We extend our deepest gratitude to the project clients who courageously shared their stories with us, offering valuable insights that shaped this report. Their experiences and perspectives are at the heart of this work, and we are honoured to amplify their voices.

Our special gratitude goes to Nazifa Haqpal, Mursal Rasa, Anil Qasemi, Hadi Sharifi, and Mick Parsons for their invaluable insights, knowledge, and experiences. Their contributions have greatly enriched our understanding of the challenges surrounding access to safer routes for Afghans in the UK and family reunification.

A heartfelt thank you to our dedicated volunteer lawyers, whose time, effort, and expertise were instrumental in drafting this report. Your commitment to justice and pro bono work has been invaluable to this project.

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We also wish to recognise and thank Ella Rees and the design team from A&O Shearman, who brought this report to life through their thoughtful and creative design. Their work has added both clarity and beauty to this important publication.

Special thanks to Hassan Kayhan, whose powerful photography provided a rich visual dimension, capturing the culture and landscape of the country.

This report is a collective effort, and we are profoundly grateful to everyone who played a part in its development.



Local labourers in an old bazar. Kabul, Afghanistan (2023).  
Photo Credit: ©Kayhan.

# Foreword

Over the past three years, the world has observed the severe and ongoing challenges that Afghans, particularly those closely associated with the British Armed Forces, have faced since the fall of Kabul. The UK government's (the **Government's**) response to their situation has often fallen short, with resettlement programmes plagued by delays and inflexibility. Despite the large humanitarian crisis, with over half of Afghanistan's population needing aid in 2024, the pathways for Afghans to find safety, reunite with their families and rebuild their lives have been significantly slow to develop.

The report you are about to read, *Still Waiting: The Afghans Abandoned by the UK* (produced by the Afghan Pro Bono Initiative (**APBI**)), sheds light on the unfulfilled promises and bureaucratic hurdles that have left so many Afghans in vulnerable positions. This report builds on APBI's 2023 report, *Two Years of Empty Promises*, to emphasise the urgent need for reform within the UK's Afghan resettlement schemes and family reunion policies.

Last year, we called on the Government to develop a clear plan for family reunion under the Afghan Citizens' Resettlement Scheme (**ACRS**) Pathway 1. We were encouraged when the Government opened the separated families pathway in July 2024 for separated families. However, significant challenges remain. The Afghan Relocation and Assistance Policy (**ARAP**) and ACRS continue to struggle with serious implementation issues. Many vulnerable Afghans find themselves trapped in grave danger, either in Afghanistan or in surrounding countries, due to inflexible criteria and inconsistent decision-making. The limited options for family reunion only add to the pain of separation.

At APBI, we are committed to providing critical legal information, advice, and representation to Afghans in need. This report not only highlights the realities faced by those seeking safe passage to the UK, but also offers actionable recommendations for change. We propose greater flexibility in documentation requirements, more humane approaches to biometric waivers, and improved communication from the Government.

Our findings come from extensive casework, research, and meaningful conversations with community members and our clients. To protect the privacy of our clients, we collected their views through one-on-one interviews in their local languages. We also held focus group discussions with a diverse range of community members, including Afghan evacuees, local council members, experts, and legal case workers to ensure that the voices of the Afghan community resonate throughout this report. Their insights were invaluable which is providing a richer understanding of the challenges faced by vulnerable Afghans.

The experiences shared with us are not just stories and statistics; they are powerful reminders of the urgent need for action. They highlight the real-life implications of policies and the emotional toll on families who remain separated, as well as the pressing need for reforms in the resettlement process. By amplifying these voices, we aim to advocate for meaningful change and to bring the experiences of the Afghan community to the forefront of this conversation.

As the UK transitions under a new government, there is hope that these urgent reforms will be prioritised. APBI calls on policymakers to act swiftly to implement the recommendations within this report. The Government has moral and legal obligations to those Afghans who risked their lives in service of the UK, as well as to those simply seeking safety for themselves and their families.

In reading this report, I urge you to reflect on the human cost of inaction and the vital importance of meaningful change. For every Afghan left behind, there is a story of loss, resilience, and a search for hope. It is within our power to ensure that this hope is realised.



**Shamim Sarabi**  
Community Engagement and  
Research Lead of APBI project

# 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 ARAP and 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 August 2024, **around 16,800** people have been relocated under ARAP but a further **2,500** are still waiting for an initial decision. It has become apparent over the past 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 previous Government committed to resettling up to **20,000** Afghans under ACRS but as of August 2024, little over half this number have arrived in the UK. **Around 1,300** 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. Equally, the failure to still not have set up a proper family reunion process for those under Pathway 1 has resulted in traumatised families being kept apart.

As 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.

Many eligible Afghans and their family members have been let down by the UK 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.

**“You bring love back together, that is the best job in the world. You are amazing. You saved our lives”**

Mahery\*, an APBI client.

**\*Please note: clients' names have been changed throughout the report to protect their identity.**

The **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 and their family members 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.

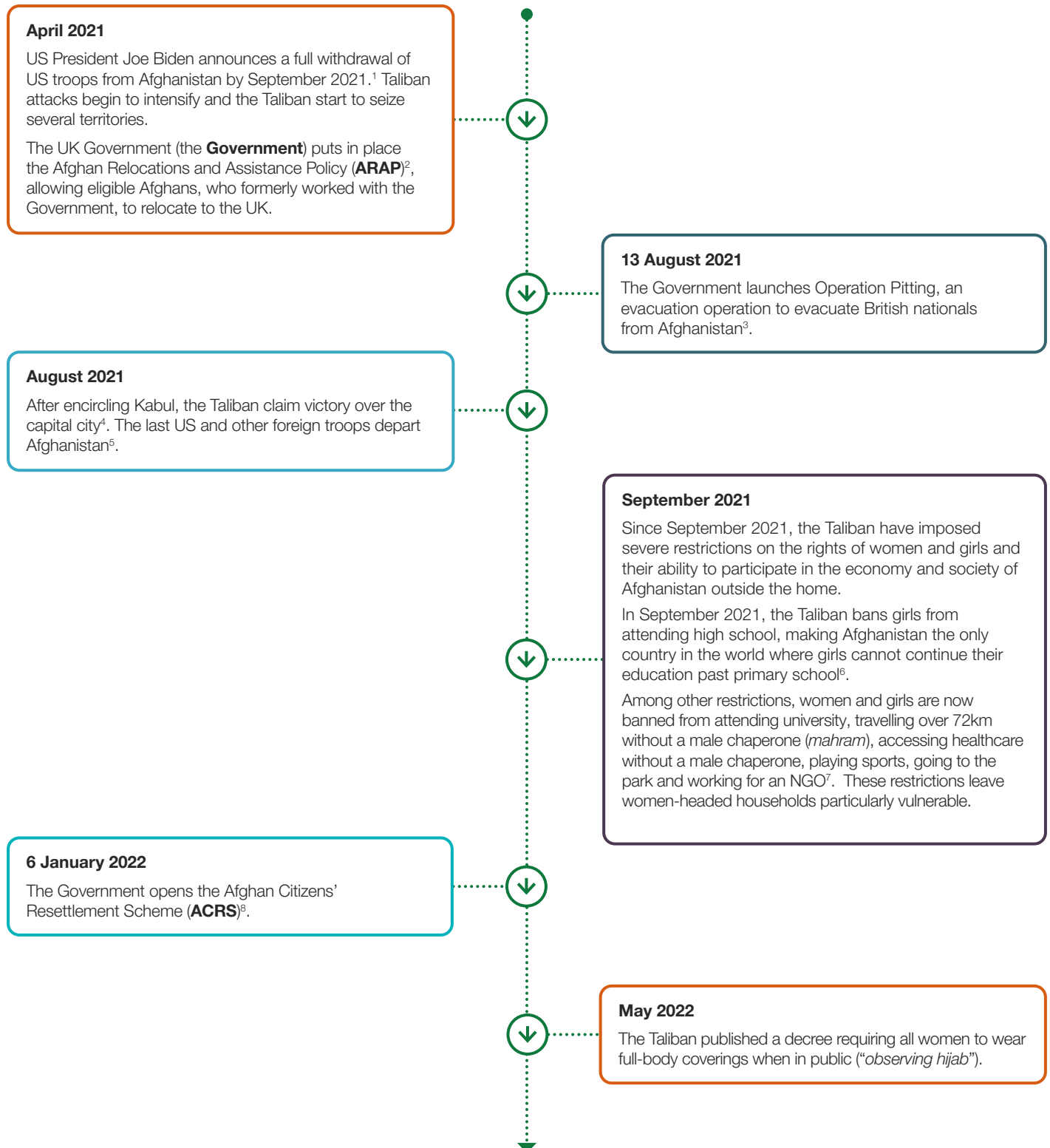


### – Family Reunion – Harmonise Family Reunion Policies:

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. As an immediate step, this should start with adjusting the financial requirements under Appendix FM to reflect the economic realities faced by newly-arrived Afghans.

# The Ongoing Social, Humanitarian and Economic Crisis in Afghanistan

Since the Taliban regained control in August 2021, Afghanistan has remained in a complex social, humanitarian and economic crisis.





### December 2022

The Taliban bans women from universities in Afghanistan<sup>9</sup> and banned women from working for NGOs<sup>10</sup>.

According to UN Women, 94% of the NGOs that they surveyed fully or partially ceased their operations in light of the ban on women working for local and foreign NGOs<sup>11</sup>. The UN cited this ban as a key reason for why it has struggled to raise the money it needs to support Afghanistan. Major donors, including the UK and US governments, significantly decreased their donations in 2023<sup>12</sup>.

Human Rights Watch reported that the “*Taliban’s restrictions on women’s freedom of movement and employment with humanitarian and other organisations have gravely impeded women and girls’ access to health services, while bans on education for women and girls have blocked almost all training of future female healthcare workers in the country*”<sup>13</sup>.



### October 2023

The humanitarian and economic crisis has been compounded and worsened by recurrent natural disasters<sup>14</sup>.

In October 2023, four powerful earthquakes of 6.3 magnitude and multiple aftershocks hit Afghanistan. At least 1,480 civilians were killed and more than 2,100 are injured<sup>15</sup>. Approximately 275,000 people require urgent humanitarian assistance<sup>16</sup>. UN- and NGO-led support was provided only to the most affected areas and communities due to shrinking resources and the difficulties in working in Taliban-controlled Afghanistan. For instance, they have limited the reach and capabilities of NGOs by barring them from employing female workers and trying to coerce them into routing their resources through the Taliban<sup>17</sup>.

### October 2023

An estimated 6.3 million Afghans are currently displaced, with many having been displaced multiple times<sup>18</sup>.

On October 3, 2023 the Pakistan government announces the ‘Illegal Foreigners’ Repatriation Plan’ to deport all undocumented Afghan migrants<sup>19</sup>. This leads to significant movements of people from Pakistan to Afghanistan. The UNHCR reported that between September 15, 2023 and January 4, 2024 some 493,000 Afghans returned from Afghanistan to Pakistan<sup>20</sup>. According to the UN Secretary-General’s Special Representative Otunbayeva (speaking to the UN Security Council on December 20, 2023), “The returnees are the poorest of the poor, 80,000 of them have nowhere in Afghanistan to go. The human rights consequences for women and girls forced to return are particularly severe.”<sup>21</sup>

### Winter 2023/24

Most of Afghanistan experiences record low precipitation between October and late January. Severe winter weather, including heavy precipitation, results in at least 39 deaths in late February and early March<sup>22</sup>.

Overall, it is expected that severe and unpredictable weather events and natural disasters will continue in 2024 and beyond due to the impact of climate change<sup>23</sup>. The Notre Dame Climate Index ranks Afghanistan in the lowest tier in terms of vulnerability and lack of readiness to cope with climate change<sup>24</sup>.

In January 2024, the UN Assistance Mission in Afghanistan (**UNAMA**) expresses deep concern over recent arbitrary arrests and detentions of women and girls because of alleged non-compliance with the dress code<sup>25</sup>.

On International Women's Day, UNAMA urges the Taliban to end restrictions on women and girls or else risk pushing the country into deeper poverty and isolation<sup>26</sup>. In its 2024 gender country profile, UN Women described the situation for women and girls in Afghanistan as "dire"<sup>27</sup>.

The latest report published by Amnesty International found that human rights violations against women and girls have reached the levels of gender persecution, a crime against humanity<sup>28</sup>.

In its 2024 Humanitarian Needs and Response Plan (**HNRP**) for Afghanistan, the UN Office for the Coordination of Humanitarian Affairs (**OCHA**) estimates that 23.7 million people in Afghanistan (more than half the population) will require humanitarian aid in 2024<sup>32</sup>. However, (as at 15 May 2024) the HNRP had received only 16.2 per cent of the required \$3.06 billion in funding for 2024<sup>33</sup>.

The UN Secretary-General's Special Representative Otunbayeva, said the key features of the human rights situation in Afghanistan are:

*"[...] a record of systematic discrimination against women and girls, repression of political dissent and free speech, a lack of meaningful representation of minorities, and ongoing instances of extrajudicial killing, arbitrary arrests and detentions, torture, and ill-treatment."*<sup>35</sup>

### Violence still prevails

While direct conflict has significantly declined since 2021, the OCHA reports that pockets of armed clashes persist and attacks on civilians have increased in lethality<sup>36</sup>.

Deliberate attacks employing improvised explosive devices continue to be a leading cause of civilian harm<sup>37</sup>. On 13 October 2023, an Islamic State suicide bomber attacks a Shi-ite mosque in Puli Khumri, killing seven and injuring fifteen<sup>38</sup>. On 21 March 2024, a suicide bomber kills at least 21 people in Kandahar, with Islamic State claiming responsibility<sup>39</sup>. On 17 May 2024, a group of foreign tourists are attacked in Bamiyan Province, six people are killed and eight are injured<sup>40</sup>.

### Widespread Poverty

The Integrated Food Security Phase Classification (**IPC**) reported that whilst Afghanistan continues to experience marginal improvements in food security, over a third of Afghanistan's population (14.2 million people) are still experiencing high levels of acute food insecurity (IPC Phase 3 or above). This includes 2.9 million people in IPC Phase 4 (Emergency)<sup>29</sup>.

In January 2024, the UN Development Programme reports that the Afghan economy is struggling to recover after a 27% contraction since 2020. 69% of Afghans are subsistence insecure, meaning that they don't have access to the most basic items such as utilities, cooking items, winter clothing, basic healthcare and coping strategies needed for mere subsistence<sup>30</sup>.

Approximately 85% of Afghans are living on less than one dollar a day<sup>31</sup>.

### May 2024

In May 2024, flash floods strike three provinces in North Eastern Afghanistan. Over 200 people are killed and many more are injured and left without shelter<sup>34</sup>.

### 21 August 2024

The Taliban intensifies its war on women with new 'vice and virtue' rules. It announces that women are forbidden from being seen or heard in public, including by singing or reading out loud. Under the new rules, women must completely cover themselves, including their faces, when they are outside and they must not look at any man who is not a direct family member.

# About the Afghan Pro Bono Initiative (APBI)

Since March 2022, APBI has operated as a collaboration between **Refugee Legal Support, Safe Passage International**, and 14 leading law firms to address the pressing need for Afghan nationals and their families to access crucial legal information, advice, and representation concerning safe routes to the UK, particularly after the Taliban takeover.

To meet the needs of the project's clients and the community members effectively, the project focuses on sharing reliable legal and practical information. It does so through a number of avenues, including hosting information sessions, drop-in advice clinics and the publication of a monthly newsletter. It makes much of this information available in Dari and Pashto, as well as in English, so that information can be reliably disseminated to the target community in their preferred language.

The project also assists individuals in applying to be reunited with their families in the UK and accessing the Afghan Relocations and Assistance Policy (**ARAP**) scheme, along with providing information on the Afghan Citizens' Resettlement Scheme (**ACRS**).

In connection with its work offering legal representation, APBI is now able to offer publicly funded legal aid to eligible clients through Refugee Legal Support's Immigration and Public Legal Aid Contracts. This enables the project to provide continuity in legal representation for its clients beyond just the initial application, ensuring meaningful protection and family reunification for those in need. This enables the project to assist with higher-impact and more legally complex work.

The project's work has been greatly enriched by the dedicated contributions of volunteer lawyers from the 14 leading law firms involved, who have been instrumental in providing essential support to the project, its clients, and the community as a whole.

**“Mayer Brown has been pleased and honoured to be able to participate in this invaluable initiative. While the circumstances we learn about are frequently heartrending, and the government policies we have to work within are sometimes difficult to fathom, it is humbling to be able to assist those in such need of aid whenever we can.”**

Ian Coles, Partner at Mayer Brown International LLP



School girls in Paghman District, Kabul, Afghanistan (2022).  
Photo Credit: ©Kayhan

# Project Impact

“Over the last year, the APBI team has designed and implemented work stretching multiple strands. Working in collaboration with pro bono lawyers from our law firm partners, our team has delivered impactful outcomes in areas covering legal advice and representation, community outreach and the provision of legal information on safe routes, and advocacy and campaigning.

The APBI project has also continued to receive an incredibly high number of requests for assistance from Afghan nationals for family reunification cases and with the government resettlement schemes, ARAP and ACRS. We have assisted in complex cases where clients must navigate a very challenging environment in Afghanistan and the region. Despite delays and setbacks, the APBI project has continued to see cases through to completion and deliver positive results for our clients, with numerous clients being relocated to the UK. Despite continued promises made to Afghan nationals, safe routes for Afghan nationals to reach safety and join their family members in the UK remain incredibly limited.”

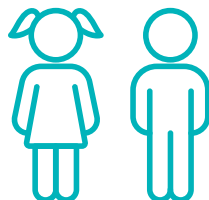
Mariana D’Arcadia, APBI Project Coordinator.

Since its inception, the APBI has provided legal support in the forms of direct legal representation, one-off legal advice and up-to-date legal information to Afghans and their family members in Afghanistan, neighbouring countries and in the UK.

## Since APBI’s inception:



**218 Afghans** have benefitted from legal representation



**44%** are children



**42%** are women and girls

From August 2023 to August 2024:



20 individuals have been granted visas to come to the UK



900+ Afghan individuals were supported with their inquiries

**220+**  
Afghan individuals benefited from one-off advice at 6 national clinic sessions

**36%**  
are women and girls

**28%**  
children



Almost 300 individuals received information via online information sessions



12 electronic monthly newsletters have been uniquely opened over 4,800 times



7,800+ hours donated by volunteers to the project

“ Supporting Afghan clients with their applications is some of the most rewarding work I have done at Mayer Brown. The work we do is truly changing lives when we can successfully bring to safety people who have survived incredible trauma and distress, and there are still so many who need support with their applications. The families are so grateful for any and all help we can provide. Especially having family myself who were involved in the conflict, I am very proud of any work I do to begin to repay the sacrifices of Afghan nationals.”

Esther Farley, Solicitor at Mayer Brown International LLP

“ You know, usually when a service is free the quality of the service is really bad, but with your [APBI] project I found it the opposite. You help people for free and give them the best service. I am very grateful for your help with my legal case.”

Belal, an APBI client.

# Navigating Challenges: Emerging and Continuing Trends in Access to Safe Routes

This section will assess the main immigration routes for Afghans to come to the UK with analysis of the various challenges that the supervising lawyers have encountered through their casework over the past year. Many of the challenges that we discussed in APBI's 2023 report, **Two Years of Empty Promises**, still remain an issue, so we will focus on the most recent developments in this section.

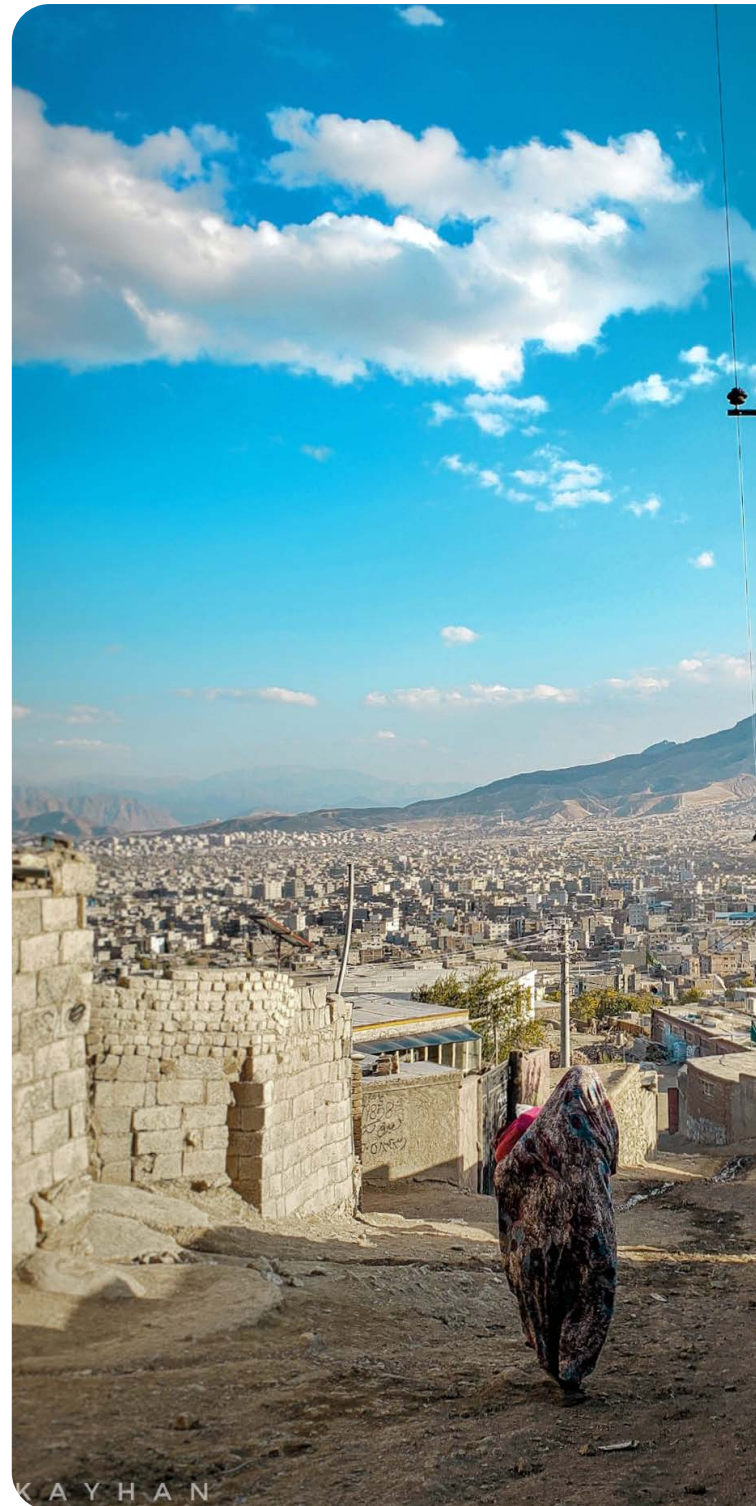
## Summary of Routes to the UK

There are three main immigration routes for Afghans into the UK\*.

These are:

- (A) Afghan Relocations and Assistance Policy (**ARAP**), which enables Afghan citizens who worked for or with the Government in Afghanistan in exposed or meaningful roles to relocate to the UK with a partner, dependant children and any additional family deemed eligible;
- (B) Afghan Citizens' Resettlement Scheme (**ACRS**), which allows vulnerable Afghans and those who have assisted the UK efforts in Afghanistan to be referred for resettlement in the UK; and
- (C) Family Visas including Refugee Family Reunion, which allow relatives of those in the UK who meet the strict requirements to be granted a UK visa.

\*Although there are other visas available, such as student visas or investor visas, we will not discuss these in this report.



An elderly woman walks through the underdeveloped streets of Kabul. West side of Kabul, Afghanistan (2022). Photo Credit: ©Kayhan

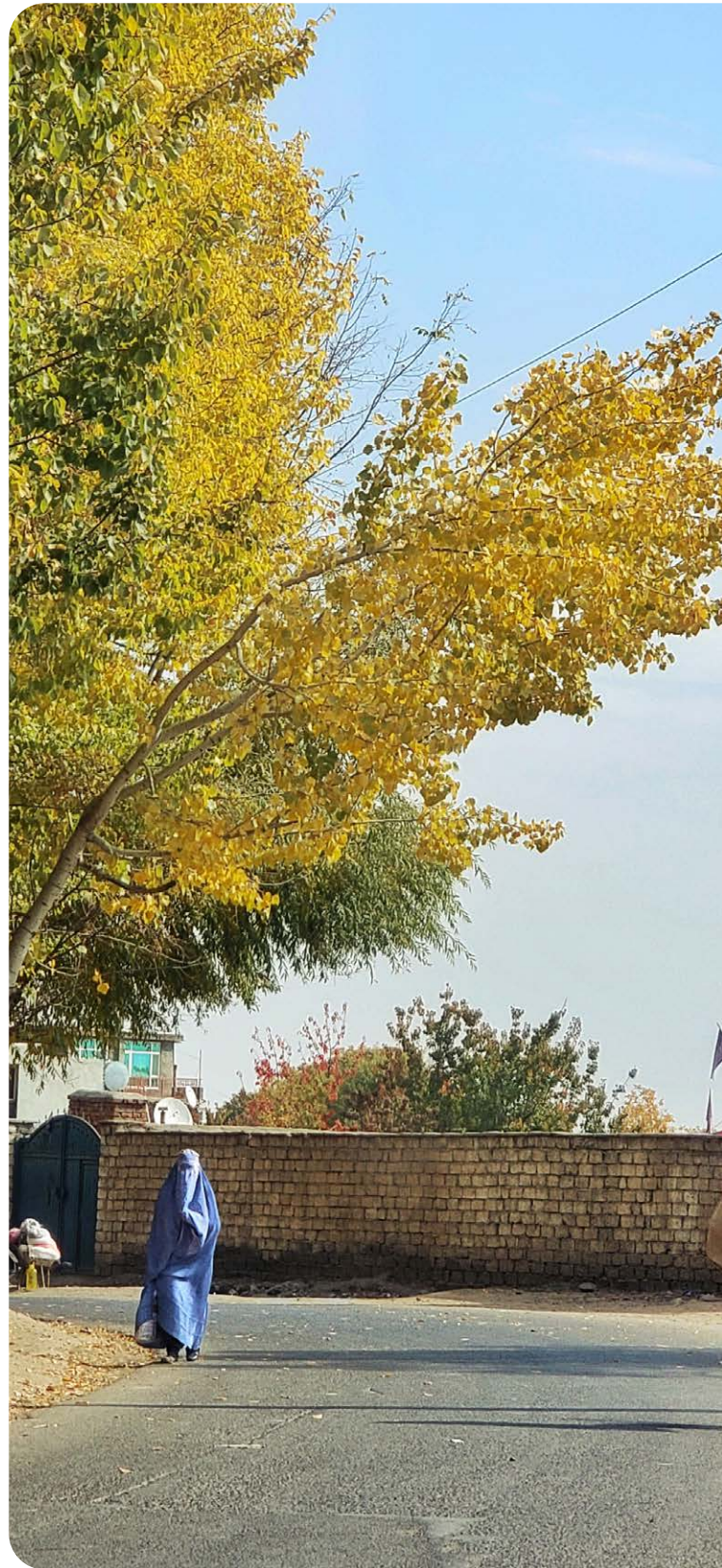
# ARAP

The ARAP scheme began in April 2021 and is targeted at Afghans, and certain family members, who are or were employed in Afghanistan by the Government and are now at serious risk from the Taliban. It follows the 'ex-gratia scheme' which was in place between 2013 and 2022<sup>42</sup>. The ARAP scheme does not have any quotas, nor is it limited to a role or time served. Some contractors are also eligible. There are four different categories of eligibility:

- (a) **Category 1** – People who were directly employed by the Government, on or after 1 October 2001, assessed to be at high and imminent risk to life. They are eligible for urgent relocation to the UK.
- (b) **Category 2** – People who were directly employed by the Government or were contracted to provide linguistic services in support of the UK's Armed Forces, on or after 1 October 2001. They are eligible by default for routine relocation to the UK.
- (c) **Category 3** – Those who don't meet the Category 1 or Category 2 requirements but might be eligible for other support (short of relocation) as deemed suitable by the ARAP team. This category is currently dormant due to the UK's lack of presence in Afghanistan.<sup>43</sup>
- (d) **Category 4** – Special cases which will be considered on a case-by-case basis. This is for those who were directly employed by a Government department, or provided goods and services under contract, or worked closely alongside the Government and contributed to the UK's military or national security objectives with respect to Afghanistan and now face a high risk of death or serious injury, or hold information which would give rise to a national security risk.

Individuals relocated to the UK under ARAP do not have refugee status. Therefore, family members who seek to join or stay with an Afghan citizen already relocated to the UK under ARAP must apply for entry clearance or permission to stay in the UK under Appendix FM of the Immigration Rules (**Appendix FM**).

As of August 2024, around 16,800 people had been relocated under ARAP<sup>44</sup>, including around 5,000 during Operation Pitting. The Government said in April 2024 that 2,532 applicants were still waiting for an initial eligibility decision under ARAP<sup>45</sup>.



A woman wearing a Burqa just a few days after the Taliban captured Kabul and made it mandatory. Kabul, Afghanistan (2021). Photo Credit: ©Kayhan

# ARAP Timeline

This timeline shows the development of the ARAP scheme, including recent policy changes regarding accommodation.

- 1 April 2021** ● The UK formally opens the ARAP scheme.<sup>46</sup>
- Summer 2021** ● Eligibility for ARAP is extended to include Afghans dismissed from service for minor administrative offences and interpreters who supported the UK military as contractors.<sup>47 48</sup>
- 14 December 2021** ● The grounds for qualifying for relocation under ARAP are narrowed, purportedly “to remove the uncertainty that emerged during and after Operation Pitting (the evacuation of Afghanistan in August 2021) around who would qualify” and to ensure consistency between Government departments responsible for taking initial eligibility decisions. The narrower rules restrict ARAP eligibility to people who furthered the UK’s military and national security objectives.<sup>49 50</sup>
- 18 October 2022** ● The Home Office publishes a statement of changes to the UK Immigration Rules<sup>51</sup> which introduces Appendix ARAP. The simplified rules clarify that the application process has two stages: (1) the application is first made to the Ministry of Defence (**MOD**) who decides if the applicant is eligible for relocation to the UK under ARAP; (2) if the applicant is eligible, the MOD makes an application, on behalf of the applicant, to the Home Office for entry clearance (if the applicant is outside the UK) or settlement (if the applicant is inside the UK). The applicant is then subject to usual Home Office checks. The new rules clarify that ARAP applications will only be considered under Appendix ARAP of the Immigration Rules (**Appendix ARAP**) and not on any other basis, including an application for leave outside the rules.<sup>52</sup>
- 30 November 2022** ● The ARAP rules currently contained in Part 7 of the Immigration Rules, and provisions regarding applications for additional family members, currently contained within a separate policy document, are brought within the new Appendix ARAP. Applications for additional family members under ARAP will now be made inside the rules, rather than being applications for leave outside the rules under the current policy.<sup>53</sup>
- 30 November 2022** ● The ex-gratia scheme<sup>54</sup> closes.
- 11 April 2023** ● Applicants now have 42 days to respond to requests for information sent by the MOD. Failure to respond will result in the rejection of an application.<sup>55</sup>
- 18 July 2023** ● The Minister for Veterans Affairs makes a statement to Parliament confirming the Home Office will continue to provide interim accommodation to legally resettled Afghans (up to 31 December 2023<sup>56</sup>) if they meet one of two criteria: (1) they need accommodation during the short period between the end of their notice period and the date on which their settled accommodation is ready for them; or (2) in cases of medical need where a family member required continued attendance at a specific hospital<sup>57</sup>.
- October 2023** ● Ministers approve a change of policy so that ACRS and ARAP eligible Afghans will be brought to the UK from Pakistan as a matter of urgency. Some will move directly into long term accommodation, but where necessary temporary “transitional” accommodation (including hotels) will be used. The change of approach was prompted by concerns that the Afghans in Pakistan are at risk of deportation to Afghanistan.<sup>58</sup>
- 1 February 2024** ● The Ministry of Defence confirms that all refused applications from members of Commando Force 333 and Afghan Territorial Force 444 will be reassessed and reviewed for eligibility and, if necessary, changed. It is confirmed that each case will be reviewed by a new team.<sup>59</sup> The Government anticipates that the reassessment will take approximately 12 weeks to complete once the review begins<sup>60</sup>.



**4 July 2024** ● A general election is held in the UK. Labour wins a majority and a new government is formed<sup>61</sup>.

**10 July 2024** ● the Afghanistan resettlement and immigration policy statement is updated in line with operational changes regarding integration support. The statement confirms that the Government will now only facilitate new ARAP arrivals where suitable accommodation can be secured ahead of arrival, including where individuals can be supported to arrange accommodation themselves.<sup>62</sup>



Bamiyan Airport. Bamiyan, Afghanistan (2022).  
Photo Credit: ©Kayhan

# ACRS

ACRS was announced by the Government in August 2021 in response to the takeover of Afghanistan by the Taliban. It formally opened on 6 January 2022, with the Government pledging to resettle up to 20,000 Afghans<sup>63</sup>. It sits alongside the ARAP scheme, but unlike ARAP, ACRS is referral only and Afghans cannot apply directly to the Home Office. There are three main pathways of referrals:

(a) **Pathway 1** - People identified under Operation Pitting i.e. those who were evacuated by the Government from Afghanistan in summer 2021. As of August 2024, 9,695 people had been granted indefinite leave to remain (**ILR**) under this pathway<sup>64</sup>.

Individuals resettled under Pathway 1 of the ACRS are not granted refugee status in the UK. The Government has recently announced a family reunion route for those who arrived under Pathway 1<sup>65</sup>.

(b) **Pathway 2** – Refugees in neighbouring countries, i.e. those who fled to refugee camps, who are identified and referred by the UNHCR. This pathway commenced on 13 June 2022 and the Government anticipated that up to 2,000 referrals would be made in the first year. As of August 2024, only 1,071<sup>66</sup> Afghans had been granted ILR under this pathway.

Individuals resettled under Pathway 2 of the ACRS are granted refugee status in the UK and will be eligible to sponsor their immediate family under the Government's refugee family reunion scheme.<sup>67</sup>

(c) **Pathway 3** – At risk individuals in Afghanistan and the surrounding region. In the first stage of this pathway, the Government considered eligible, at-risk people for resettlement from: British Council contractors, GardaWorld contractors and Chevening alumni, and eligible family members<sup>68</sup>. However Expressions of Interest (**EOI**) under this Pathway were closed on 15 August 2022<sup>69</sup>. As of August 2024, 1,365<sup>70</sup> Afghans had been granted ILR under this pathway. The decision-making process for all eligible principals and their dependant family members under the first part of Pathway 3 was completed on 28 June 2024<sup>71</sup>.

Individuals resettled under Pathway 1 of the ACRS are not granted refugee status in the UK so any family reunion application needs to be made under Appendix FM.<sup>72</sup>



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A homeless woman sat in a rainy street. Pol Shokhta Street, Kabul Afghanistan (2022). Photo Credit: ©Kayhan


# ACRS Timeline

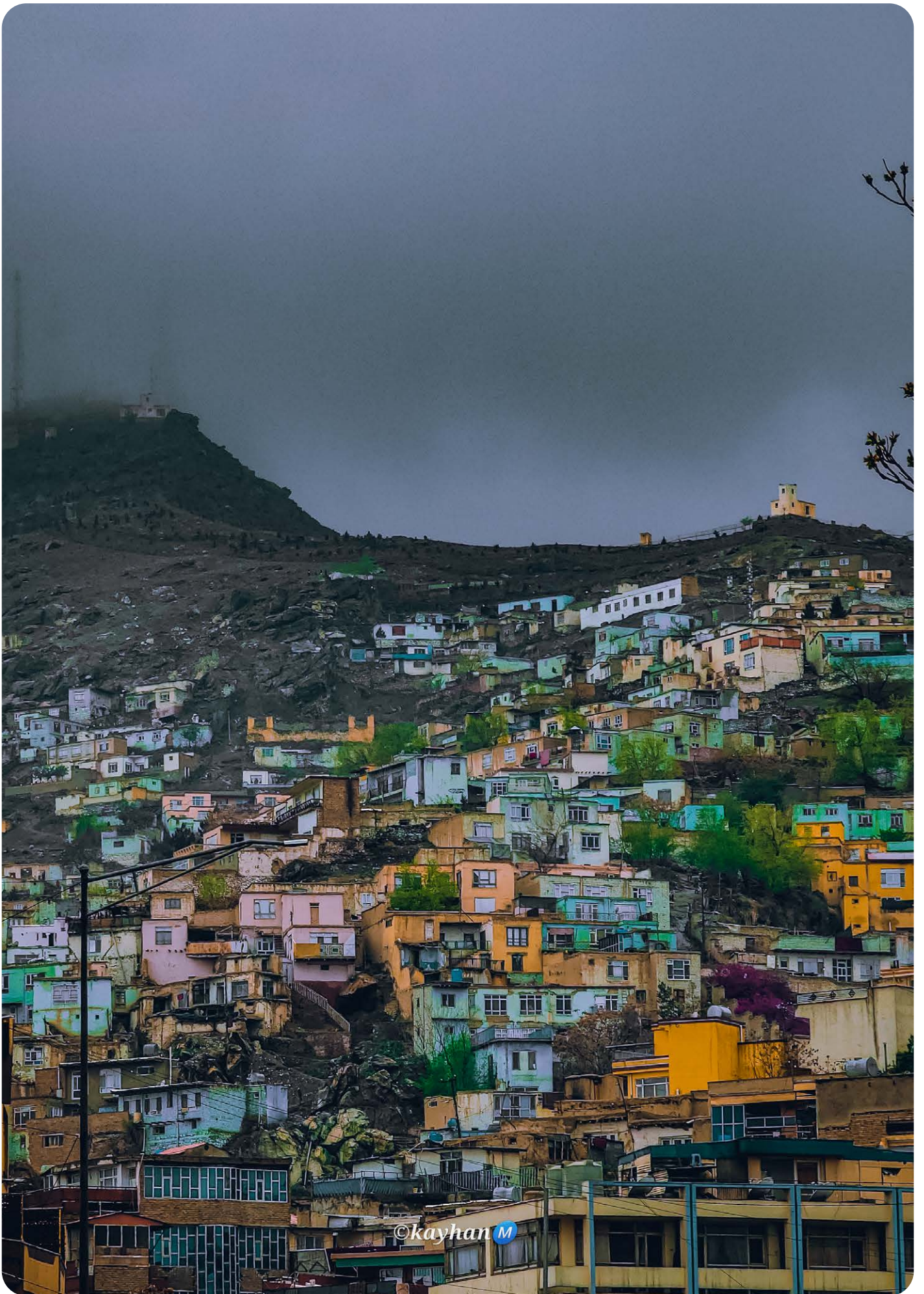
This timeline shows the development of the ACRS, in particular the evolution of the eligibility of the Pathways.

- 6 January 2022** ● The UK formally opens the ACRS.<sup>73</sup>
- 13 June 2022** ● The UK formally launches Pathways 2 and 3 of ACRS.<sup>74 75</sup>
- 20 June 2022** ● The Foreign and Commonwealth Development Office (**FCDO**) launches the online system for eligible individuals to lodge an EOI in UK resettlement through Pathway 3.<sup>76</sup>
- 15 August 2022** ● The online system for EOI in resettlement through Pathway 3 is closed to further applications.<sup>77</sup>
- 9 November 2022** ● The Home Office updates its guidance<sup>78</sup> setting out the eligibility criteria for additional family members seeking to move to the UK. The guidance refers to additional family members who are looking to resettle with a family member who is a **Principal**. A **Principal** is an individual who the FCDO has assessed as eligible in principle under the first stage of Pathway 3 and who is referred to the Home Office for resettlement).

Immediate family members of a Principal may be offered a resettlement place (subject to satisfactory security checks) under Pathway 3 of the ACRS. Immediate family members are spouses/partners or dependent children under 18. Other additional family members may be considered in exceptional circumstances. Circumstances will be exceptional if it can be shown that the family member is sufficiently dependent on the Principal. In particular, cases will be considered where there are specific vulnerabilities or in specific circumstances faced by an additional family member which have led to an exceptional level of dependence on the Principal.

There are two stages in the process where a Principal may declare the family members they wish to be considered for resettlement: (1) in the EOI when asked for details of their immediate family members; and (2) when the FCDO requests information relating to additional family members.
- 1 June 2023** ● The Government website guidance on ACRS is updated in line with the new approach to accommodation<sup>79</sup>. On 28 March 2023 the Government announced its intention to issue Notices to Quit to all Afghans living in bridging accommodation and that all bridging accommodation would be closed by Autumn 2023.<sup>80</sup>
- 25 July 2023** ● The Government website guidance on ACRS Pathway 3: eligibility for British Council and GardaWorld contractors and Chevening Alumni is updated to reflect that the Government will only arrange travel to the UK for eligible people when suitable accommodation has been organised.<sup>81</sup>
- 17 October 2023** ● In the first stage of Pathway 3, the Government will consider all eligible people who submitted an EOI and their eligible dependent family members, exceeding the original cap of 1,500 places. Year 1 of Pathway 3 now being referred to as the first stage of Pathway 3.<sup>82</sup>

- 
- October 2023** ● Ministers approve a change of policy so that ACRS and ARAP eligible Afghans will be brought to the UK from Pakistan as a matter of urgency. Some will move directly into long term accommodation, but where necessary temporary “transitional” accommodation (including hotels) will be used. The change of approach was prompted by concerns that the Afghans in Pakistan are at risk of deportation to Afghanistan.<sup>83</sup>
- 11 March 2024** ● The Home Office announces it will match households eligible under ACRS Pathways 2 and 3 to suitable allocations of accommodation. Under the matching policy<sup>84</sup>, eligible households may receive a maximum of one allocation, although this is not guaranteed. Households do not get to choose which pathway they progress through, and allocation of accommodation under either pathway isn’t guaranteed. An allocation of settled accommodation may be made either while the household is still abroad or while accommodated in Government funded transitional accommodation.
- 14 March 2024** ● The Government website guidance on ACRS is updated to reflect that eligible people can now be relocated to the UK without the prior requirement for settled accommodation.<sup>85</sup>
- 1 April 2024** ● New guidance is published which sets out the Home Office’s policy position relating to those legally resettled under Pathways 2 and 3 and currently residing in transitional accommodation.<sup>86</sup> Transitional accommodation was established to provide time-limited safe and secure accommodation for arrivals under the ACRS from December 2023 until the end of June 2024. The guidance sets out the process for how new arrivals will be matched to settled accommodation through the ‘one allocation’ process, and support for those who want to find accommodation independently.
- 28 June 2024** ● The decision-making process for all eligible Principals and their dependant family members under the first part of Pathway 3 is completed<sup>87</sup>.
- 4 July 2024** ● A general election is held in the UK. Labour wins a majority and a new government is formed<sup>88</sup>.
- 10 July 2024** ● The Afghanistan resettlement and immigration policy statement is updated in line with operational changes regarding eligibility and integration support. The statement now confirms that those identified as eligible who hold nationality or lawful status in a country outside of Afghanistan, and were notified by the Government that they had been called forward or specifically authorised for evacuation but were not able to board flights, may also be offered a place under ACRS if they subsequently come to the UK. In respect of integration support, the Government will now only facilitate new ACRS arrivals where suitable accommodation can be secured ahead of arrival, including where individuals can be supported to arrange accommodation themselves.<sup>89</sup>
- 30 July 2024** ● The Government announces ‘ACRS Pathway 1 Stage 2: Separated Families<sup>90</sup>’. This is for those who arrived under Pathway 1 between 13 August 2021 and 28 August 2021. Those who are eligible can make a referral to this before 30 October 2024. Adult applicants can request for a partner or minor children to join them, and minor applicants can request their parents or siblings under 18.



Colourful traditional-style houses on a mountain. Kabul, Afghanistan (2023). Photo Credit: ©Kayhan.

# ARAP and ACRS Trends

## 1. The ARAP Scheme

### a. Uncertain Accommodation

The lack of suitable accommodation has been an issue for many Afghans who arrived in the UK under ARAP with many initially being placed in 'bridging accommodation' which includes hotels and serviced apartments<sup>91</sup>. The Government phased out the use of bridging accommodation by August 2023, however it still relies on 'interim accommodation' which is bridging accommodation<sup>92</sup> in all but the name.

Spending extended periods in interim accommodation before moving to a more long-term solution creates challenges for those arriving under ARAP and ACRS. This is particularly problematic where people have begun to put down roots and develop a support network in their initial area. As highlighted in our [Focus Group discussion](#), integrating into a new way of life is hard enough without having to do it multiple times, particularly for children who start school in one area and then have to move. Navigating trying to find long-term accommodation has proven difficult for arrivals<sup>93</sup>, which is exacerbated by not always speaking the language or having knowledge of the local area. Therefore, APBI welcomes the fact that part of the MOD's budget now includes resources for helping arrivals under ARAP to find private rental accommodation<sup>94</sup>.

Although it is preferable to go straight into long-term accommodation, the need to have such accommodation lined up has slowed down the effectiveness of ARAP and ACRS as people have been left waiting in limbo in Afghanistan or third countries. APBI has found that the ARAP Casework Team is not responsive to requests to help plan for arrival. An interpreter and his young family were granted entry under ARAP but were unable to travel to the UK as they did not have suitable accommodation lined up. Law firm, Leigh Day, brought a judicial review on behalf of this interpreter against the housing requirement on the basis that it was unlawful because (1) it could not be met; and (2) there is no law which allows the Home Secretary to impose a requirement that an applicant has housing available in the UK<sup>95</sup>. The challenge was successful and the judge ordered the interpreter and his family to be brought to the UK. Shortly after, at the end of October 2023 the Government announced a change in policy to allow successful applicants under ARAP to be brought to the UK regardless of whether long-term accommodation had been secured<sup>96</sup>. As of April 2024, around 4,600 ARAP arrivals were being housed in military accommodation<sup>97</sup> pending transfer to more permanent accommodation.

However, in July 2024 the Government published updated guidance which showed that they had reverted back to their previous policy; new ARAP arrivals now need to have secured suitable accommodation in the UK before their transfer will be facilitated<sup>98</sup>.

A report published by the Independent Chief Inspector of Borders and Immigration (**ICIBI**) in February 2024 (the **ICIBI Report**) detailed a 'secret pause' on processing cases which was in place before the accommodation requirement policy changed<sup>99</sup>. The ICIBI was heavily critical of this given that the accommodation requirements were unpublished so applicants were unknowingly failing. APBI agrees with the ICIBI that this lack of transparency 'undermines public confidence in the Afghan resettlement schemes'.<sup>100</sup>

As we highlighted in last year's report<sup>101</sup>, there is a clear difference in the way similar schemes have been set up for Ukrainian refugees post the Russian invasion. One such example is 'Homes for Ukraine' which was set up in 2022 to allow Ukrainian refugees to obtain a UK visa if they have someone in the UK who is willing to host them<sup>102</sup>. Although the needs of Afghan refugees differ from those from Ukraine, it would be beneficial for the Government to explore further ways to lean on the wider community particularly where an individual or family already has family connections or someone willing to offer them support.

Shato Hill, located on the border between Yakoulang and Panjab District, Bamiyan, Afghanistan (2022).  
Photo Credit: ©Kayhan.





Sunset in Pol Sokhta, Kabul, Afghanistan (2023). Photo Credit: ©Kayhan.

## ***b. Lack of Clarity and Consistency***

One of the key issues that APBI's clients still face with the ARAP scheme is the decision-making process: there remain lengthy delays, as well as inconsistent and poorly reasoned decisions. It is positive that there are now around double the number of ARAP caseworkers compared with January 2023<sup>103</sup> which were the latest figures we had seen when last year's report<sup>104</sup> was published. Despite this, although progress has been made over the past year to clear the backlog and 98% of applicants have now received a decision, 80% of those still waiting have been waiting for a year or more<sup>105</sup>.

Concerningly, our caseworkers have experienced two cases where positive decisions were issued, and then subsequent refusals delivered before the families had been evacuated. Although this was an administrative error and didn't actually override the positive decision, it caused great distress to the families involved who thought that there had been a mistake and their families would no longer be relocated. These families had been waiting a year in one case and two years in the other for a decision which had already taken a toll on their mental health. Although they have now been relocated, the families spent two months in an extremely stressful and confusing situation made worse by a lack of communication from the ARAP casework team. Despite the gravity of the situation, the families involved have not received any apology. It is worrying for the wider administration of the scheme that basic mistakes like this are being made.

Our experience with ARAP applications is that the refusal letters often use the same generic template which is indicative of poorly thought-out decision-making. This also makes the decisions harder to challenge on review as there is no reasoning to the refusal; it is often not clear whether the refusal relates to other aspects of the case or just the issues raised in the template refusal letter. One type of case that highlights the inconsistencies in decisions are those involving interpreters who translated for the British Army. We have seen varying degrees of success with these cases. If an interpreter was dismissed from duties for a reason which the Government deems to be more than 'minor' then their ARAP application will be refused. However, it is not clear what counts as a 'minor' reason. We have also seen this with two family members who had done the same job on the same contract; one was granted ARAP resettlement and one was not. Conflicting decisions like these are hard to marry up with a fair and effective system. APBI's first hand experience of these inconsistencies corroborates the conclusion in the ICIBI Report that 'there is poor governance of the processing of applications'<sup>106</sup>.

A similar lack of clarity and consistency is noticeable in the threshold for 'imminent threat to life' which needs to be proved for applications to be expedited under Category 1. Our caseworkers have found that it is very hard to make successful arguments for this as the threshold is so high. Having such a high threshold undermines the functioning of this limb to the detriment of vulnerable Afghans who worked alongside the British Army in Afghanistan.

### c. Triples Cases

One issue that has garnered attention over the past year in the media and in Parliament, is the so called 'Triples' cases. The 'Triples' were elite army units in Afghanistan that were set up and funded by the UK. Commando Force 333 (**CF333**) was set up in 2002 as a counter-narcotics force which then developed counterterrorism and counter-insurgency expertise. A few years later, the Afghan Territorial Force 444 (**AT444**) was launched by the British in Kandahar<sup>107</sup>. There were also other Triples National Mission Units: ATF555 (Herat), ATF888 (Balkh) and ATF999 (Nangarhar)<sup>108</sup>. Given the close connection these units had with the British Army, in particular with the UK Special Forces, many ex-members have applied to come to the UK under ARAP. One former UK Special Forces captain, who served with the Triples in Afghanistan for several years, described the partnership as a "complete symbiotic" one<sup>109</sup>. Despite this, APBI understands that ARAP applications for these men have been rejected on the basis that they were not directly employed by the Government<sup>110</sup> but rather they formed part of the Afghan national security forces<sup>111</sup>. Although boundaries have to be drawn somewhere, placing too much emphasis on direct employment goes against the spirit of ARAP. ARAP was intended to grant safety to those who are in danger as a result of the support they provided to the British Armed Forces. The Taliban do not make distinctions based on the precise legal employment relationship someone had with the UK.

Through our casework and receiving many referrals from Triples members, we have seen how hard it is for applications from Triples members to be successful under ARAP. APBI has seen very little success regarding resettlement in any of the Triples cases it has been involved in. From the communication APBI has had, it appears that the MOD has been looking at these cases under Category 4 i.e. those who 'worked closely alongside the Government and contributed to the UK's military or national security objectives'. We understand that it is the UK Special Forces who verifies these particular cases, but according to sources of The Independent, the UK Special Forces had been obstructing the process and not approving many cases, leading to what were effectively blanket rejections for Triples applications<sup>112</sup>. However, a policy of blanket refusals is something that the Government has denied<sup>113</sup>.

On 1 February 2024, the Government announced that former Triples members who have been denied relocation would have their cases re-examined, with around 2,000 applications estimated to be impacted<sup>114</sup>. Although this is a positive step, it is not clear whether any cases have

been re-reviewed yet. It is vital that this action is taken as soon as possible given the vulnerability of these men. The Independent has reported that members of the CF333 have been specifically targeted by the Taliban due to the connection they have with the UK, and it knows of at least 24 Triples members who have been murdered by the Taliban since August 2021<sup>115</sup>. This highlights the desperate urgency to reissue decisions on these cases. The initial time frame of 12 weeks to undertake the review of affected Triples cases, was clarified in March 2024 to mean 12 weeks to complete the reviews once the MOD begins reassessing cases<sup>116</sup>.

These cases also shine a light on the evidential challenges that Afghans have under ARAP, and immigration routes more widely (as discussed in more detail **below**). For men who served in the military, in some cases, more than two decades ago, it can be difficult to provide the necessary employment records. It has been reported that cases have been rejected even where Triples members have provided payslips from the Government, training certificates and ID cards stating that they are 'partnered with the British armed forces'<sup>117</sup>. This is concerning as such high standards of proof do not reflect reality and act as an effective obstacle to accessing the scheme. As we have argued before, the Government must be flexible and take a holistic approach to the evidence they require for applications. There has been some debate in Parliament regarding the extent to which the Government holds employment records for the Triples units. A member of the House of Lords told the House that he had been informed that the embassy in Kabul had in fact held these records<sup>118</sup>. This should be thoroughly investigated to help speed up the process for Triples cases if such records do exist.

Given that the Triples members received payments from the Government, Labour MP, Dan Jarvis, argued, before Labour took power, that these cases should be looked at under Category 2 rather than Category 4<sup>119</sup>. However, the Government has pushed back on this on the basis that the payments were simply top-up payments made to "generate loyalty"<sup>120</sup>. Given the unique and well-documented role that the Triples units played, APBI would like to see these cases re-looked at as a matter of urgency, and, where possible, under Category 2 with those directly employed by the Government.



**“ They were the national force doing the Government’s bidding. That cannot be more aligned with the UK’s strategic interests. These are not people who just did a bit of translation, made a bit of money and left. They put their lives on the line, properly fighting with us, for us.”**

<sup>121</sup> a British former military adviser who worked with the Triples in Afghanistan in the 2000s



An Hazaragi-style embroidered cushion with a traditional light. A community gathering, USA (2024). Photo Credit: ©Kayhan

## 2. The ACRS


### a. Pathway 3

A key barrier to the effectiveness of ACRS is the use, or lack thereof, of Pathway 3. Pathway 3 is the most flexible limb of ACRS and is for ‘at risk individuals in Afghanistan and the surrounding area’. The initial phase of Pathway 3 has up to 1,500 places for eligible British Council and GardaWorld contractors, Chevening alumni, and eligible immediate family members who were able to submit an expression of interest in August 2022. At the time our 2023 report was released, just 14 people had been resettled under this pathway. We argued then that the Government urgently needed to clarify the future of Pathway 3 and widen its scope<sup>122</sup>.

As of August 2024, 1,365 Afghans have now been resettled under this pathway<sup>123</sup>. This is a big jump from the woeful 14 who had been resettled this time last year, but more needs to be done. It was announced in November 2023, that the expression of interest system would not be re-opened for this first phase of Pathway 3, and that the FCDO has contacted the 11,400 applicants who expressed interest in summer 2022<sup>124</sup>. According to the Government, more than 380 individuals, and their dependents, are eligible in principle for resettlement which totals 1,800 people<sup>125</sup>. It was announced in June 2024 that all decisions under the first phase of Pathway 3 had been completed<sup>126</sup>. It is currently estimated that more than 200 people who are eligible under Pathway 3 are waiting for relocation in Pakistan.<sup>127</sup> As we explain in more detail below, Afghans in Pakistan are facing severe difficulties. Given this, we would urge the Government to complete the resettlement of all eligible applicants as soon as possible.

The previous Government promised a phase two expansion for Pathway 3 which would be open to wider groups of Afghans<sup>128</sup>. Despite this, they would not commit to a timeframe nor provide any further detail on who the expansion might cover. As one Lib Dem MP noted: ‘without a meaningful timeframe, the scheme has in practice stopped’<sup>129</sup>. This recurring theme of lack of clarity means that the UK is failing many vulnerable Afghans. Pathway 3 is an important, flexible route that will allow the Government to make good on its promise to help the most vulnerable Afghans. It is crucial that the new Government ensures that the second phase of Pathway 3 is properly functioning as soon as possible.



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Steelmaking Street. Kabul, Afghanistan (2022).  
Photo Credit: ©Kayhan

## **b. Complexities with ACRS Family Reunion**

As we highlighted last year<sup>130</sup>, the position in relation to family reunion for those who have been resettled under ACRS remains complicated. Those who arrived under Pathways 1 and 3 are not classed as refugees, but you are classed as a refugee if you arrive under Pathway 2. We have seen from our drop-in clinics that this already causes confusion amongst the community, given the differing legal consequences of this split classification, and makes navigating the family reunion system particularly hard.

In 2023, the then Home Secretary committed to establishing a route for family reunion for immediate family members of Pathway 1 arrivals in the first half of 2024<sup>131</sup>.

On 30 July 2024, the new Government announced 'ACRS Pathway 1 Stage 2: Separated Families'<sup>132</sup>. This is for those who arrived under Pathway 1 between 13 August 2021 and 28 August 2021 i.e. during Operation Pitting. The window to make a referral for those who are eligible ends on 30 October 2024.

Applicants over the age of 18 can request for their partner or minor children to join them, and minor applicants can request for their parents or siblings under 18 to join them. Any applications must be accompanied by the usual supporting evidence such as Taskiras, marriage certificates and communication records<sup>133</sup>. The guidance states that other family members will only be considered in exceptional circumstances.

This route is desperately needed, particularly for unaccompanied children, as the Home Office estimates that around 80 children are in this situation<sup>134</sup>. During disclosure in *R (HR & Ors) v Secretary of State for the Home Department*<sup>135</sup>, it was revealed that a Ministerial Statement had been escalated to the Home Secretary in September 2023 which recommended that a route be set up to reunite parents with children under 18 who had been evacuated alone during Operation Pitting<sup>136</sup>. It has been almost a year since that recommendation, so the setting-up of this route was long overdue. In *R (HR & Ors) v Secretary of State for the Home Department*, three sisters had been left to survive on their own after getting separated from their parents and siblings during Operation Pitting, despite only being aged 13, 15 and 22 when they arrived.

Prior to the announcement of this new family pathway, it wasn't clear whether parents of unaccompanied minors would be included so this is a welcome development. APBI hopes that the route will be operationalised effectively and won't suffer from delays and mismanagement. Given the track record on data collection and administration, there are legitimate concerns over its implementation.

The ICIBI Report raised concerns over the way data was recorded during Operation Pitting<sup>137</sup> and it will be this data that is crucial when rolling out family reunion for Pathway 1.

It was unclear when we published our report, **Two Years of Empty Promises**, last year what the official advice was for the non-refugee arrivals under Pathway 3 who wanted to bring over additional family members. The Government has since clarified that applicants under Pathway 3 should use Appendix FM for family reunion.

**“ This recommendation of Appendix FM is an oversight in policy making and does not work as a suitable alternative. Appendix FM is an immigration family reunion route and has no regard for the protection reasons that underpin why Afghans are relocated to the UK under ACRS.”**

APBI Supervising Lawyer

As detailed further in the **Family Reunion** section below, Appendix FM also has a newly increased gross salary requirement of £29,000 per year. Given that the minimum wage for those over 21 in the UK is just £11.44 per hour<sup>138</sup> it is very unlikely that many recently arrived Afghans will be able to satisfy this requirement. Once again, there is now a mismatch between the routes available under the different Pathways. Harmonising and streamlining the family reunion options for those who arrived under ACRS would go some way to make the system more clear and effective.

# Family Reunion Background

Family reunion allows certain family members to join their relatives in the UK. There are different rules governing family reunion applications depending on whether someone has refugee status or not. For those with refugee status, the main way to apply for family reunion is under Appendix Family Reunion (Protection) of the Immigration Rules. Some applications can also be made 'outside the rules' where Article 8 of the ECHR (**Article 8**), the right to respect for private and family life, is engaged or there are particularly compelling circumstances.

Under the refugee family reunion route (**Appendix Family Reunion**), a refugee in the UK can apply for the following people to join them:

- (a) a spouse, civil partner or partner; or
  - (i) In the case of a marriage or civil partnership, these must have been entered into pre-flight i.e. before the sponsor left their country of origin to seek asylum. In the case of unmarried partners/partners with no civil partnership: the parties must have been living together in a relationship akin to marriage or civil partnership for 2 or more years before they fled their country.
- (b) children under 18 (although there are provisions to allow over 18's to join in exceptional circumstances).
  - (i) Any children must have been part of the family unit pre-flight, and must not be married themselves or leading an independent life.

Non-parent refugee relatives can sponsor children under **Appendix CNP** where there are 'serious and compelling family or other considerations'. Unless there are exceptional circumstances, applications must meet the following requirements:

- (a) **Financial and accommodation:** the sponsor must be able to adequately accommodate and maintain the applicant without recourse to public funds i.e. any Government benefits or assistance. The sponsor must own or exclusively occupy the accommodation.
- (b) **Care:** suitable arrangements must have been made for the applicant's care and accommodation.

There are exceptions for those who cannot meet the maintenance and accommodation requirements where they are the only relative that can support them and the child is dependent on them. The equivalent provision exists for children joining non-parent relatives who have settled status in the UK, but without the exceptions to the maintenance and accommodation requirements.

Under **Appendix FM**, someone with settled status can apply for the following people to join them:

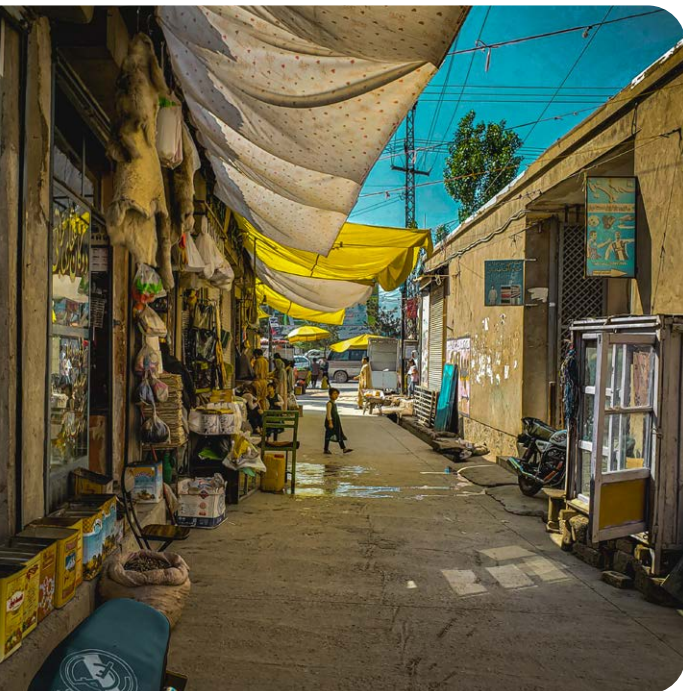
- (a) a spouse, civil partner or partner; and
- (b) children under 18.

Applications made under Appendix FM have the following requirements:

- (a) **Financial:** the sponsor must be earning at least £29,000 per year pre-tax. This is a recent increase from the previous requirement of £18,600, however children no longer carry increased financial requirements .
- (b) **Accommodation:** the family must be able to live with the sponsor without the house being overcrowded. The interpretation of which is specified in legislation.
- (c) **English language:** adult applicants must be able to pass a basic A1 English test.

Sponsors with settled status can also apply for adult dependent relatives to join them, under **Appendix Adult Dependent Relative**, which is subject to its own requirements, including:

- (A) **Personal care:** the applicant must need long-term personal care which is either not available or unaffordable in their home country.
- (B) **Care:** the sponsor must be able to adequately accommodate, maintain and care for the applicant without recourse to public funds.



A little girl is walking on Spice Selling Street. Kabul, Afghanistan (2022).  
Photo Credit: ©Kayhan

# Family Reunion Trends

The following section will explore the challenges we have seen our Afghan clients face when making family reunion applications. These relate to those with refugee status who want to reunite with their family, but these challenges are also relevant in some circumstances to those who have been resettled under ACRS or ARAP and now wish to apply for family members to join them.

## 1. Ineffective decision making

As we have shown throughout this report, immigration decision-making is inherently poor. Family reunion decisions are no different. They often seem rushed, despite the delays, and lack strong reasoning. Official data on how many applications that are refused then go on to be appealed successfully is unavailable, but APBI caseworkers have had two of their appeals granted and the rest of the cases are waiting for decisions.

### **Bahador – an APBI Client**

**APBI recently helped Bahador and Monira, a young couple from Afghanistan, with their family reunion application. After two years of back and forth and uncertainty, their application was refused because the Home Office failed to consider all the evidence properly. Their refusal letter was a concerning combination of poor reasoning and factual inaccuracies. The decision hinged on the whether the couple's wedding had taken place, yet the Home Office got the basic fact of where the wedding had taken place wrong. Despite every witness statement and explanation submitted stating that the wedding took place in Afghanistan, the letter stated that it occurred in Pakistan. One of the key pieces of evidence here was a witness statement from a mullah saying he had married the couple, yet this wasn't referred to in the letter. APBI had also provided a substantial amount of country evidence around lack of marriage certificates and none of this seemed to have been taken into account. The couple have been separated ever since their wedding over six years ago. They are both desperate to live together and start a family. The visa application process has taken a severe toll on Bahador and Monira's mental and physical health.**

It is a poor use of everyone's time and resources to issue decisions that don't properly consider all the submitted facts as this will inevitably lead to appeals. Not only does this cause undue stress and delay to the applicant, appeals are also costly for the Home Office. Our caseworkers have found that, in line with the wider delays, the appeals process is also protracted. The Home Office often misses the deadline for submitting its initial evidence and only does so once the First-tier Tribunal steps in to direct them which drags out an already stressful process for the appellants. It would be much more efficient to get the decisions right the first time, especially given the backlog that now exists with family reunion cases.

The Government refuses to publish data on the scale of the family reunion backlog<sup>140</sup> which likely masks the true scale of the problem. The advertised visa processing times for out of country applications is 12 weeks<sup>141</sup> but our caseworkers have seen many cases where clients have been waiting

more than a year for a decision. Whilst waiting for a decision, most applicants' mental health suffers greatly. APBI frequently witnesses how the prolonged period of separation from loved ones leads to isolation for its clients and puts strain on their relationships. These are families who have suffered great trauma and particularly would benefit from the support of being with one another.

Such long waits make poorly-reasoned decisions even more frustrating. There should be little excuse for mistakes from the Home Office given the real-life consequences these decisions have on people, and this is especially true where it has taken many months to reach a decision. This could be avoided if the decision-making process was streamlined and the backlog cleared. The long waiting times coupled with ineffective decision-making mean it is unsurprising that Afghans account for the largest nationality of those crossing the Channel by boat<sup>142</sup>.

Due to the narrow scope of the rules that we highlighted last year, such as the inability to sponsor siblings or for children to sponsor their parents<sup>143</sup>, almost all of the family reunion applications that APBI assists with are made ‘outside of the rules’ (OTR). In order to be successful with an OTR application, you must show that there are ‘compelling compassionate factors’ such that a refusal would have ‘unjustifiably harsh consequences’<sup>144</sup>. Similarly, under Appendix CNP which covers applications for children to join non-parent relatives, if the initial requirements aren’t met you have to show that there are exceptional circumstances which warrant the application being granted<sup>145</sup>.

Our caseworkers, including at **Refugee Legal Support** and **Safe Passage International** more generally, have seen very few cases successfully rely on either exceptional circumstances test. This experience isn’t limited to **Refugee Legal Support** and **Safe Passage International**, with others in the sector describing the Appendix CNP test as ‘almost impossible to satisfy’. In effect you cannot reach these thresholds, particularly in relation to Appendix CNP where the application is within the rules, then the family reunion system is restricted even further.



A woman walking along the street with a male chaperone. Kabul, Afghanistan (2022). Photo Credit: ©Kayhan

### Farid - an APBI Client

Farid and Farhad are siblings aged 16 and 10 who were left living on their own in Afghanistan after both their parents died. They have an older brother who lives in the UK who tried to sponsor them under Appendix CNP. The Home Office did not agree that there were exceptional circumstances because they did not accept that the children had lost both their parents, despite the very brutal killing of their father being a finding of fact from the sponsor's own asylum court hearing. The Home Office also did not accept that the children were at risk from the Taliban because they had managed to travel to a visa centre even though they had no choice but to do this because of the inability to defer biometric tests (as discussed below). The Home Office also did not accept that they had no family to look after them despite them being abandoned by their cousin in Iran without legal status. Due to this, Farid and Farhad are two young children still trying to survive alone in Afghanistan despite their older brother being willing to look after them in the UK.

More broadly, the Government's own guidance suggests that any successful applications made OTR should be granted limited leave, up to 30 months normally, without recourse to public funds<sup>147</sup>. Our caseworkers have even seen leave granted for just 12 months in some cases, which leaves the family members in a precarious situation. They are then left to decide whether: (1) to stay on that grant of leave which is complex and expensive to extend, and would be a ten year route to settlement; or (2) to claim asylum as almost all have strong protection cases.

If the latter, they then need to find legal representation to help make an asylum claim, which is nigh-on impossible due to the lack of resources in the legal aid sector not to mention the extreme delays in decision-making and hostile nature of the asylum process. Despite the drawbacks to claiming asylum, we have seen some clients go down this route due to the otherwise limited grant of leave. The stress of the unknown as a result of the limited leave prevents families from settling down and integrating into their new communities.

### Mahmod and Jamila - APBI Clients

Mahmod and Jamila were granted a family reunion visa to join their daughter, Banin, in England after making an OTR application. Their visa is for 30 months and was initially without recourse to public funds but APBI managed to get this overturned. This process prolonged the time that Mahmod and Jamila continued to be separated from their daughter which was extremely distressing for the whole family. However, if they had not got the condition overturned, they would not have been able to get housing assistance close to Banin. Without this, they would have been destitute and unable to access help. They would effectively have been forced to claim asylum straightaway which would have resulted in more separation as they would likely have been placed in adult asylum seeker accommodation somewhere else in the country. Due to the precariousness of their limited leave, Mahmod and Jamila have since found a lawyer and applied for asylum now they are slightly more settled. Having to change routes has caused the couple difficulties. They have struggled to access some public funds as a consequence of being asylum seekers, even though their right to public funds through the previous grant of leave should continue.

## 2. Passports and Visas

Deteriorating relations between Afghanistan and Pakistan and Iran have become an increasing issue across ARAP, ACRS and family reunion over the past year. In order to apply for entry clearance, all applicants must attend a visa application centre (VAC) to enrol their biometrics i.e. have their photo taken and give their fingerprints. As was the case last year, there are currently no VACs in Afghanistan, meaning clients have to travel to Iran or Pakistan instead. The need to travel to a VAC raises many difficulties. Many of APBI's clients do not have a passport due to the high cost and delays in obtaining one<sup>148</sup>. They have reported that they cannot get visas to enter Pakistan or Iran for similar reasons. The consequence is that it is extremely challenging for Afghans to get to a VAC, but they must find a way in order to move forward with their application. Although there is a mechanism to apply to defer the biometrics requirement, these deferrals are almost never granted. The Home Office published an updated 'unsafe journey' policy in August 2024 which stated that the biometrics requirement will only be waived in this scenario if the individual can demonstrate that they 'would face an immediate and real risk of significant injury or harm if they were to attempt to travel to any VAC'<sup>149</sup>. This guidance was updated following a judicial review case involving applicants in Gaza which ruled that the Home Office's previous requirement for someone to show that they faced dangers 'beyond the current situation in their location' was unlawful. The two linked judicial review cases were brought in relation to biometrics waiver applications that were refused for people attempting to flee from Gaza where, similarly to Afghanistan, there is no functioning VAC.

The updated policy still makes clear that the threshold for success is extremely high and that the starting point is to refuse biometric waiver applications. It does state, however, that decision makers should take into account specific vulnerabilities such as being a lone woman or a young child. APBI's experience is that the Home Office still refuses even where applications involve unaccompanied children.

As noted by the ICIBI Report, the challenges that Afghans face to enrol their biometrics particularly impacts 'women, girls and those in hiding'<sup>151</sup>. Given that those applying for family reunion visas are often especially vulnerable, the issues surrounding biometrics are a major block to the effectiveness of these routes for Afghans. The Government should recognise the severity of the situation for Afghans and the risks they are encouraging by leaving applicants with no choice but to cross dangerous borders. This could be avoided if the Government implemented a more humane and realistic approach to biometrics enrolment. Where someone's identity has been established and the journey is high-risk, applicants should be granted a pre-determination prior to travel to the VAC. Although a pre-determination is currently possible under the Home Office's policy, the threshold for demonstrating 'compelling' reasons is too high.

Equally, where applicants, such as unaccompanied children, are particularly vulnerable, the biometric requirement should be waived altogether until arrival to the UK. Although the previous Government cited security concerns when justifying their approach to biometrics<sup>152</sup>, they allowed Ukrainian refugees to enrol their biometrics on arrival to the UK<sup>153</sup>. Therefore a more sensible approach towards those from Afghanistan could also be taken.

The near-blanket refusal to waive the biometrics requirements means that most of APBI's clients are forced to find a way to get to Pakistan or Iran to attend a VAC. These are tough journeys, fraught with danger. It has become increasingly difficult and prohibitively expensive for Afghans to obtain visas for Pakistan or Iran. As a result, some Afghans have no choice but to enter the country illegally in order to attend the VAC. Many people choose to then remain in that third country whilst they wait for a decision due to the dangers they face in Afghanistan, and also the risk of crossing the border again. This then causes problems if someone's visa application is successful as they struggle to leave the third country without legal permission to be there. The cost of exit visas, particularly in Pakistan, are extremely high and in our experience almost impossible to obtain where the client is there without permission. One of our clients explained that it costs around USD 1,000 to obtain an exit visa through the black market which is therefore not an option for most Afghans.

On 3 October 2023, the authorities in Pakistan announced that all Afghan nationals without the right to remain in Pakistan would be expelled from the country after 1 November 2023<sup>154</sup>, under the so called 'Repatriation Plan'. This has led to an increasingly hostile environment for Afghans, and police abuse, including harassment, assault, and arbitrary detention, has risen<sup>155</sup>. These hostilities have made it hard for Afghans waiting for relocation to find safe accommodation in Pakistan as many owners are fearful of being seen to help Afghans. This is yet another reason why the Government needs to improve the efficiency of all routes for Afghans in order to reduce the time they spend in limbo in dangerous situations.

Although much of the focus has been on Pakistan, a similar situation has unfolded in Iran which has absorbed 2 million Afghans since the Taliban takeover in 2021<sup>156</sup>. After Pakistan's deportation announcement in October, Iran began to increase its deportations too. There have also been calls in Iran to physically shut the border<sup>157</sup>.



## Arifa – an APBI Client

Arifa, her husband Ghulam and their three children Bahar, Sania and Aman fled to Pakistan whilst they waited for an outcome on their family reunion application that APBI was assisting them with. They were confined to one room as they were worried about being targeted by the authorities due to their precarious status there. Aman, their eldest child is 10 years old and has a learning disability. He was unable to cope in such a confined space, which impacted the rest of the family. After living like this for over a year, the family eventually made the tough decision to return to Afghanistan due to such a high risk of deportation from Pakistan. They felt they had no other choice, despite the fact that they were at risk in Afghanistan due to their sponsor's previous work.

In recognition of the severe danger that Afghans currently face if they are living in Pakistan whilst waiting for relocation to a third country, the US Government has been issuing 'Missing Pakistan Letters' to those who are in the pipeline for a visa to the USA<sup>158</sup>. These letters serve as evidence for the Pakistan authorities that someone is awaiting onward travel. The UK Government has not implemented a similar process which is a cause for concern. Given they already hold data on each applicant, it should not be administratively difficult to send everyone an email that they can use as proof that they are awaiting onward travel. The previous Government instead repeatedly stated that it was in regular contact with the Pakistani authorities who have given assurances that no one who has been accepted for resettlement in the UK will be deported<sup>159</sup>. It is understood that, after a temporary pause on deportations from Pakistan, the Pakistan Government intends to begin deporting Afghans again soon<sup>160</sup>.

Some form of official evidence that someone is awaiting relocation is particularly important as it is taking a long time to get people out of Pakistan and Iran even once they have been granted a UK visa. The lengthy delays to get a decision is exacerbating this problem because even if an applicant had a passport to begin with, in many cases it will have expired by the time they have a decision and are in a position to travel. Even once someone receives a positive decision, they must wait for a 'vignette' before they can travel. In one APBI case, this took more than six months to arrive despite chasing the Home Office numerous times. The logistics of travelling to the UK are also challenging for our clients who have returned to Afghanistan after attending a VAC, for example the cost of plane tickets or moving around Afghanistan as a lone woman.

**“There are more restrictions for people like my wife and my daughter who could not leave Afghanistan because now the Taliban do not allow women to leave the country without a Mahram (a male chaperone). I had to pay a £1000 bribe to someone in the Kabul Airport to allow my wife and daughter to take their flight to the UK.”**

Nawab, an APBI client.

The Government has committed £18.5 million to the International Organisation of Migration since September 2023 to support undocumented refugees in Pakistan and Iran<sup>161</sup>. This, alongside supporting Afghans who are eligible under ARAP and ACRS with hotel accommodation in Pakistan and Iran, is a welcome intervention. However, the most beneficial response would be to speed up processing times across all the routes to get Afghans out as soon as possible. Applicants under refugee family reunion do not benefit from the Government's third country accommodation help like those awaiting resettlement under ARAP and ACRS, so it is imperative for them that decisions are made quickly.

### 3. Evidentiary Problems

As we discussed last year<sup>162</sup>, providing complete and substantive evidence is another major issue affecting all the routes discussed in this report. Due to the circumstances in which they find themselves, the client group we work with are always going to find providing detailed evidence a challenge. Our caseworkers have found that the Home Office's approach of being unrealistically strict towards evidence requirements has not altered over the past year.

As before, the two requirements which cause the most difficulties are: marriage certificates and contact records to help prove a 'genuine and subsisting relationship'. Our caseworkers often come up against walls trying to explain why a couple does not have a marriage certificate. A marriage certificate is listed as evidence that can be used to support a spousal claim<sup>163</sup>, however it is not a strict requirement. In refusing applications the Home Office often has no regard for or makes no reference to witness statements and expert reports, sometimes not even commenting on recommendations made, for example that something is in the best interests of the children. On a number of initial applications for unaccompanied children joining family members we have seen refusals for not meeting the rules, despite this being clear in the initial application documents and Article 8 or exceptional arguments being advanced. It's not always clear what has been considered because the evidence listed does not include many key documents despite them being in front of the decision maker. On one application for unaccompanied children who were at risk and trying to join their sibling Sponsor in the UK, the Home Office contested whether their parents had died, despite this being accepted by the court in the Sponsor's asylum appeal (see **Mahmood and Jamila's case study above**).

The steady demise of functioning bureaucracy in Afghanistan has made it difficult for many years for Afghans to obtain civil documentation. This has been exacerbated since the Taliban's takeover in 2021. The United Nations Security Council noted that the Taliban government has: "favoured loyalty and seniority over competence, and their decision-making has been opaque and inconsistent."<sup>164</sup> People in Afghanistan have reported that since the takeover, 'identification and civil registration documentation have become more difficult to access'<sup>165</sup>. It has also been reported from within the Minister of Internal Affairs in Afghanistan that: "distribution of marriage certificates had ceased, due to limited numbers of booklets."<sup>166</sup>

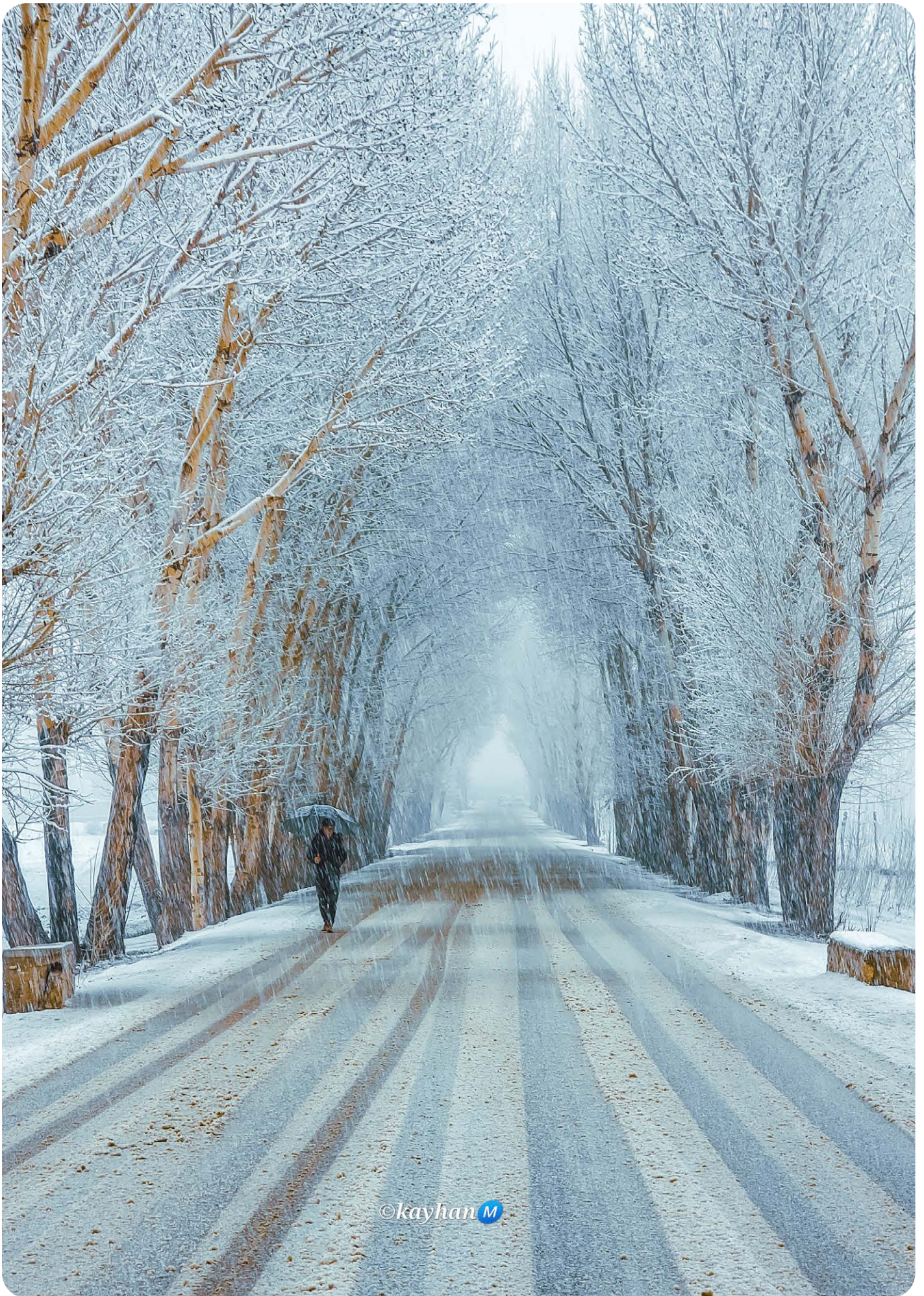
The Home Office's own guidance states that applicants 'may not be in a position to provide further documents or have any safe or regular access to the internet'<sup>167</sup>. Lack of access to the internet creates difficulties on many fronts. Not only does it make it hard for people to regularly talk to one another, it can make it hard for lawyers to communicate with their clients to gather the necessary evidence.

**“Many of us left Afghanistan with only one pair of clothes. How we are expected to have all the papers with us.”**

Yosuf , an APBI client

As highlighted above in the discussion around Triples cases, one of the reasons that the Government has used to justify issuing refusals is a lack of employment records. Due to the time that has elapsed since some of these people have served, and the non-functioning Afghan bureaucracy, it is not an unusual scenario for clients to struggle to provide employment evidence. As ARAP applications hinge on employment status, this is a major issue. The Government needs to be practical about what it is asking for and not start from a default position of refusals.

In relation to ARAP, given that most applicants worked with or alongside the British Armed Forces, the Government should hold some of these employment records. Despite this, APBI has found that the Government has not been very forthcoming with the evidence it holds itself which would help an applicant's case. For example, in one APBI case, which involved a dismissed interpreter, the MOD must have held the applicant's employment and termination records in order to be arguing that he wasn't eligible due to dismissal. However, when APBI requested to see these records, the MOD just sent us his ARAP application back. This is obstructive and goes against the Government's commitment to do everything they can to resettle eligible Afghans.



A man is walking on a snowy tree-lined pathway. Kabul University, Afghanistan (2019). Photo Credit: ©Kayhan

# Voice of the Afghan Community: a Focus Group Discussion

The Afghan community sits at the heart of the work that APBI does. We believe that any policy making must be influenced by those who will be directly impacted. This section represents an opportunity to hear voices from the Afghan community putting forward the issues that are of most pressing concern to them. The recommendations throughout this report are driven by the experience of those we work with and have spoken to.

In order to highlight the lived experience of resettled Afghans in the UK, in June 2024, APBI hosted a focus group (the **Focus Group**) of stakeholders, which included Afghan nationals who are participants in the various resettlement schemes discussed in this report. We wanted to listen to and hear their experiences and suggestions.

The Focus Group was a productive and communal experience which gave fresh insights into the most prevalent issues faced by the Afghan community and those who work closely with it.

The Focus Group highlighted several issues, but the most critical ones can be broadly grouped under two categories:

- (1) Specific issues pertaining to discrete aspects of the Afghan resettlement process in the United Kingdom (**Specific Issues**); and
- (2) Thematic issues that were not linked to any one area of the system, but nonetheless impacted resettlement and integration (**Thematic Issues**).



Men in the street. Pol Sokhta, Kabul, Afghanistan (2023). Photo Credit: ©Kayhan.

## Specific Issues

### **1. A dedicated family reunification pathway to be introduced by the Government**

The Focus Group noted that there seems to be no established protocol for family reunion for Afghans once they have arrived in the UK via a resettlement scheme. From the perspective of Afghans in the UK, there appears to be no coherent law on family reunification. The Focus Group participants said they have struggled to identify the eligibility criteria they need to meet. As detailed in the **Emerging Trends** section, this is an area that is underdeveloped and in dire need of clarity and consistency.

One Focus Group participant noted an instance where a client of theirs was eligible for assistance with family member resettlement, but the scope of legal support available to them was not clear. The consistent views from the Focus Group revealed that Afghans are not necessarily struggling with a lack of understanding of the legal framework for this, but they have a perception that the eligibility criteria in place is not consistently adhered to by the authorities. This combination of the complexities of the legal system and the inconsistency in policy application means that the Focus Group had observed numerous instances of Afghans who were eligible for family resettlement pathways struggling to actually make use of them.

For those Afghans who do attempt to navigate the system, the Focus Group outlined a number of issues that they face. The most common complaint was delays in the process when hours and days can be critical. Most Focus Group participants noted instances of the family member resettlement process taking up to two years. In that time, some Afghans who had been resettled in the UK had experienced incalculable losses back in Afghanistan including the death of family members. Participants stated that frustration around the duration of the process is compounded by the lack of clarity around appeal processes. The Focus Group noted that for many Afghans, it seemed that there was no form of appeal or legal recourse in the event of an unfavourable decision.

The difficulties around reunification have had real, material impacts leading to disastrous outcomes for Afghans in the UK.



Shato Hill, located on the border between Yakoulang and Panjab District, Bamiyan, Afghanistan (2022). Photo Credit: ©Kayhan.

**Feroza , then-twelve years old, was separated from her parents and siblings when she was evacuated out of Afghanistan under ACRS during Operation Pitting. She arrived in the UK as an unaccompanied minor and sought reunification with her family. There was subsequently a huge delay in getting her mother over, and her father tragically died while still in Afghanistan.**

Such tragedies have unfortunately occurred on multiple occasions, and are avoidable if the resettlement schemes functioned effectively. There is an urgent need to reduce the delays and complexity associated with family resettlement.

## **2. Reintroduction of the travel document protocol by the Government**

The Focus Group cited an understandable difficulty in leaving Afghanistan with valid Afghan passports, which in turn caused issues in the UK. See the Emerging Trends section for further details regarding the documentary issues faced by Afghans. The inability to obtain a new Afghan passport at the Afghan embassy in the UK means that people cannot replace their Afghan passports. Temporary travel documents need to be issued by the Government in order for Afghans to travel abroad. The Focus Group observed that it is often the case that families become fragmented when leaving Afghanistan, so it is not uncommon for relatives to be in a third country outside of Afghanistan or the UK. It is an essential part of integration and recovery from the trauma of being evacuated from Afghanistan that dispersed families can reunite. As such, obtaining valid travel documents can be really important for many Afghans.

Those who have been evacuated from Afghanistan without refugee status e.g. via Pathway 1 of ACRS, are not eligible for refugee travel documents. Instead, they can only get a 'Certificate of Travel' and the costs associated with obtaining these can be prohibitively expensive. The fees are £280 per document for an adult and £140 for a child<sup>168</sup>. This means the cost of travel documentation for a family can exceed £1,000 which is unobtainable for most Afghans who have been resettled in the UK. If an Afghan is classified as a refugee, they can obtain a refugee travel document but there are still costs associated with this<sup>169</sup>.

There has also been confusion for some Afghans over their legal status in the UK. Afghans resettled under ACRS or ARAP receive biometric residence permits (BRPs). The Focus Group recited anecdotes of Afghans receiving various iterations of BRPs, initially denoting their status as ILR under ARAP, but then these BRPs were subsequently cancelled by the Home Office and reissued as ILR under ACRS. For some people, this process of cancellation and reissue occurred on several occasions. This categorisation makes a real difference as Afghans with ARAP ILR status have greater rights in relation to family reunion than those with ACRS ILR status. This has led to a strong sense of injustice amongst Afghans who have experienced this, because they said it feels like their rights have been stripped away.

The disparity in status can make a significant difference outside of travel and family reunion. For example, British universities view students with refugee status as 'home' students but those with ILR status are classified as 'international' meaning they have to pay much higher tuition fees. Experiences such as attending university are vital to assisting with integration and promoting a sense of normality for Afghans in the UK so this distinction is crucial.

An equivalence in refugee and ILR status, or some form of fee waiver/discretion in issuing travel documents would be a simple solution that would make a tangible difference to many Afghans in the UK.

### **3. Establishing a formal point of contact for legal queries**

One observation that came up repeatedly throughout the Focus Group was the sheer number of parties that Afghans have to engage with throughout the resettlement process. The Focus Group participants were concerned about the layers of personnel and departments that Afghans have to interact with. This can lead to referral fatigue and loss of hope; participants expressed that it is frustrating and re-traumatising to frequently have to describe their situation from zero. It has also created a sense amongst Afghans that various authorities are shirking responsibility and that there is a reluctance to be the person making any concrete decisions.

While the various stakeholders with whom Afghans interact are trying to create a holistic resettlement experience, it can be overwhelming for Afghans, particularly on arrival. Various facets of their integration are handled by different authorities, the role of which is not always entirely clear (e.g. the differing functions of social workers, the Home Office, Department of Work and Pensions and local councils).

This means it is not always evident who Afghans should turn to when they encounter issues which prevent people from accessing help even if it is there. The Focus Group highlighted that this is particularly an issue with legal queries, where there can be a tendency for various authority figures to delegate and shift responsibility. The Focus Group consistently reported that Afghans felt that authorities feared making a mistake, and therefore appeared hesitant to provide assistance.

As such, Afghans are often unaware as to who is best placed to assist on legal issues when they arise and consequently, there can be misconceptions which mean that vital legal assistance is not in fact obtained. For example, a social worker or charity contact populating a simple form on behalf of an Afghan may be perceived as a lawyer.

The Focus Group noted that for Afghans evacuated to the UK, there are often more pressing issues that take precedence before their legal queries which tend to be dealt with later. When Afghans have eventually settled enough to start pursuing legal action, many aren't sure who to approach. Additionally, there is a severe shortage of supply, particularly in the legal aid sector, which makes accessing specialist legal services very challenging.

A dedicated outlet for legal queries would go a long way to resolving this, and as similar queries are eventually grouped together, user-friendly guidance could be developed that may preemptively answer many questions that Afghans seeking legal assistance may have.

**“I knew nothing about my rights during the last 10 months living as a refugee in the UK. I did not refer to any other legal solicitor because you know when you are a refugee you have a lot of limitations like cannot speak English properly, not having enough money for family reunion application, and not familiar with the UK immigration system. I did not know where to start and what my rights were.”**

Maya, an APBI client.

## Thematic Issues

### **4. A need to provide service users with a greater understanding of the English legal system and better translation services**

The Focus Group demonstrated that there is a feeling amongst Afghans that interpreters provided by agencies and the authorities often want to just “get the job done”, and even diligent and well-intentioned ones may not be able to explain legal concepts in sufficient depth. As such, pivotal details are omitted, or crucial context is lost in translation.

One challenge that has emerged is the regional aspect of interpretation. Interpreters are often native speakers of Iranian Farsi or Pakistani Pashto as opposed to the Afghan dialects. This has led to difficulties in interpretation and translation, particularly on the more intricate aspects of the English legal system and procedures.

The Focus Group reported instances where translation issues and a general desire of Afghans to seem compliant and helpful in their interactions with British authorities have seen Afghans say they understand or agree with points at the time of a meeting, only for it to transpire later down the line that there was in fact a misunderstanding. This is not helped by a lack of understanding of the power dynamic between Afghans receiving help and the authorities they interact with. Authorities need to recognise the existence of this dynamic and foster an atmosphere where Afghans feel comfortable to ensure that they fully understand all of the information being passed to them by the interpreter. The current perceived imbalance in power means that many Afghans have reported feeling that they cannot press for additional time or help due to a fear of seeming unhelpful. The authorities need to do better at fostering a more collaborative environment.

The understandable desperation of Afghans who have newly arrived in the UK, combined with a lack of understanding of the legal system, has meant that some predatory practices have emerged. Several participants in the Focus Group had stories of ‘lawyers’ promising to reunite families in exchange for exorbitant fees and then failing to deliver. Participants who had sought legal representation felt that their applications had been sat on or deliberately slowed down in order to generate more fees. The Focus Group agreed that Afghans have very few ways of identifying reputable and regulated legal professionals. An understanding of the regulatory environment and better communication of the differences between regulated and unregulated service providers would help to rectify this issue. Pro bono initiatives, such as APBI, can help to bridge this gap in understanding, but there also needs to be a Government-led crackdown on exploitative practices.

The Focus Group highlighted that there seems to be a lack of lawyers or people with a legal grounding who are native speakers of Afghan languages. This demographic could play an invaluable role in understanding the workings of the English legal system, and being able to accurately explain them to Afghans seeking to access legal services.



A woman is walking through trees on a rural track. Panjab District, Bamiyan, Afghanistan (2022). Photo Credit: ©Kayhan.



## **5. Consideration of how wider cultural and social aspects impacts service users' access to and understanding of the English legal system**

The Focus Group noted that unfortunately, there have been instances of domestic violence and drug and alcohol abuse amongst resettled Afghans, and the current health and social care infrastructure available to Afghans in the UK is not adequately equipped to deal with this. Several participants cited the conditions arising from extended stays in often overcrowded hotels and how this has a knock-on effect on the behavioural issues being experienced.

The Focus Group also highlighted that some Afghans have attempted to import Afghan customs and apply them in the UK without reference to UK law (e.g. Afghan divorce, effected without formal documentation or court processes) and this can result in a lack of clarity over affected parties' legal rights and positions.

There has been reticence from some Afghans to challenge Home Office decisions because of a lack of understanding and/or trust in the legal process in the UK. Focus Group participants described their perception that going against authority could result in punitive action, so there have been instances where Afghans with ostensibly solid cases have declined to take any legal action due to fear of retribution. As mentioned previously, there is also a desire amongst Afghans to be seen as being as helpful as they can throughout the process, so there are numerous factors disincentivising people from seeking help or exercising their valid legal rights.

Similarly, some in the Focus Group described a reluctance to accept legal aid due to a perception that legal aid-funded lawyers are 'on the Government's side', and as such would work against their interests. The Focus Group also mentioned how some people assume that because legal aid lawyers are 'cheap' they must not be competent. As such, people who have no form of recourse other than legal aid will still decline to use it.

Greater recognition of social issues; sensitivity around cultural differences and lived experiences with the authorities in Afghanistan; and dispelling some of the narratives around the Government and legal system would ease the integration of Afghans and also encourage the use of legal services in the UK. Facilitating this would be a worthwhile investment for any authority that regularly deals with Afghans, as once the established protocols begin to disseminate through the community, many Afghans will become more familiar with the ways in which they can access legal support. This will assist in making the whole process smoother and more accessible for all parties.

## **6. Dealing with ancillary resettlement aspects**

A notable theme from the Focus Group was how much the friction with various smaller day-to-day aspects impacts the lives of Afghans and their ability to access legal services.

Focus Group participants cited delays with the issuance of BRPs and National Insurance numbers, both of which have been common (in addition to the issues with BRPs raised earlier in this section). Some participants have anecdotally noted an improvement on the BRP front, however there still remains an issue with speed of provision and incorrect information printed on cards.

Accessing a bank account was raised in the Focus Group as being particularly difficult and this is crucial, as it is a key component in obtaining benefit payments. Otherwise eligible applicants have missed out on child benefit due to the extended time required to set up a bank account. Documentary issues can make the KYC aspect of establishing a bank account a painful process for Afghans, as can the temporary living situation many Afghans find themselves in which makes providing ID and an address challenging.

Temporary accommodation and the transience of the living situation often means that Afghan children are not enrolled in schools, or their education is severely disrupted by being moved multiple times. This can have a long-lasting effect on a child's life outcomes.

School students' path way to school. It takes approximately two hours for students to reach the local school using this path. Waras District, Bamiyan, Afghanistan (2022). Photo Credit: ©Kayhan.



Helal was moved during his GCSE year, despite pleas from his school, which was hugely damaging to his chance of success in an already difficult situation. He was unable to focus on his revision due to the disruption around him.

Listening to voices within the Afghan community talk about the challenges they face should underpin all policy conversations. The Focus Group solicited the views of a wide range of participants, both Afghan and non-Afghan, and each participant had unique views and experiences that have indicated a wide spectrum of issues impacting Afghans in the UK.

Several recurrent themes emerged and made it possible to paint a picture of a 'typical' Afghan resettlement experience. Whilst the initial intention of the Focus Group was to look at Afghans' access to legal services, it highlighted a variety of external issues which in turn impact the capacity and willingness of Afghans to seek out legal assistance in the UK. Throughout the course of the Focus Group, it was easy to identify the recurring issues and themes affecting the Afghan community.

This is concerning because it means a large number of people are being impacted by the same issues. However, it clearly illustrates what the areas of priority are and if effective solutions can be found and implemented, they have the power to help a significant amount of Afghans resettling in the UK. Similarly, by sharing these experiences and hearing that other parties had experienced similar issues, the Focus Group participants reported that they left the session with a sense of encouragement and camaraderie. What were initially anecdotal stories that could have been interpreted as one-offs or issues pertaining to a very particular scenario were in fact commonplace and reflective of systemic difficulties, rather than anything attributable to a particular Afghan's case.

The ability of APBI to hold the Focus Group with such a wide range of participants illustrates the strong network it has cultivated in the Afghan community and puts emphasis on the importance of its function. We are well-placed to advocate for solutions that will greatly assist Afghans in the UK, because those Afghans have helped in crafting the suggestions made throughout this report. We hope those suggestions will influence the policy landscape and APBI will continue to amplify the voice of the Afghan community going forward.



Conjunction road between Bamiyan and Daikundi. Maidan Wardak, Afghanistan (2021).  
Photo Credit: ©Kayhan

# Recommendations

## Immediate Actions:



### **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.



### **Lower ARAP Threshold for 'Imminent Threat' Cases:**

The Government must lower the threshold for proving 'imminent threat to life' under Category 1 to expedite applications for vulnerable Afghans, who have worked closely with the British Armed Forces. It must establish clear criteria and fast-track procedures for these high-risk cases to ensure timely protection and resettlement.



### **Clear Timeline for ACRS Pathway 3:**

The Government must commit to a clear, detailed timeline for the implementation of stage two of Pathway 3 of ACRS. This timeline should outline specific milestones, including when and how many different groups of Afghans will be resettled.



### **Safe Pathway for Triples Members:**

The Government should re-evaluate the categorisation of Triples members under the ARAP scheme, considering their direct support and contribution with UK strategic interests in Afghanistan. The cases must be reclassified under Category 2 instead of Category 4 to reflect their significant contributions and risks.



### **Conclude Resettlement of Eligible Applicants:**

The Government should prioritise completing the resettlement of all eligible individuals under the first phase of Pathway 3 of ACRS. This is particularly crucial for those currently facing difficulties in Pakistan. Many eligible applicants are in precarious situations, living in temporary conditions with limited access to resources, and at risk of deportation by the Pakistan government.



### **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 asks for and not start from a default position of refusals.

**Waive Accommodation Requirement:**

The Government must remove the current requirement for applicants to secure accommodation prior to arrival to accelerate the relocation process and provide urgently needed protection to those at risk. Many of these individuals are waiting in precarious situations, living in temporary conditions with limited resources and support networks.

**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.

**Additional Suggestions:****Improve Training for Caseworkers:**

The Government should develop and implement enhanced training programs for ARAP and ACRS caseworkers. Training should focus on understanding the specific contexts of Afghan applicants, the complexities of their situations, and the importance of personalised, well-reasoned decisions.

**Community Feedback Group:**

The Government should establish an Afghan resettlement scheme working group to engage with stakeholders, the voluntary sector, NGO's and Afghan community groups in order to provide them with updates, seek feedback and continuously improve the case work processes.

**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.



**Clarify Legal Status:** The Government should ensure that all Afghans arrivals are clearly informed about their legal status, rights, and obligations in the UK. Provide comprehensive, easy-to-understand information about what their BRP entails and how to use it.

# Glossary

**ACRS** = Afghan Citizens' Resettlement Scheme

**AFM** = Additional Family Member

**APBI** = Afghan Pro Bono Initiative

**ARAP** = Afghan Relocation and Assistance Policy

**AT444** = Afghan Territorial Force 444

**BRP** = Biometrics Residence Permit

**CF333** = Commando Force 333

**ECHR** = European Convention on Human Rights

**EOI** = Expression of Interest (ACRS)

**FCDO** = Foreign, Commonwealth and Development Office

**FOI** = Freedom of Information Request

**Government** = Government of the UK

**ICIBI** = Independent Chief Inspector of Borders and Immigration

**ILR** = Indefinite Leave to Remain

**LOTR** = Leave Outside the Rules

**Mahram** = Male Chaperone

**MOD** = Ministry of Defence

**MP** = Member of Parliament

**NGO** = Non-governmental Organisation

**OCHA** = UN Office for the Coordination of Humanitarian Affairs

**OTR** = 'outside of the rules'

**Parliament** = the UK Houses of Parliament

**RLS** = Refugee Legal Support

**SPI** = Safe Passage International

**UK** = United Kingdom

**UN** = United Nations

**UNHCR** = United Nations High Commissioner for Refugees

**US** = United States of America

**VAC** = Visa Appointment Centre

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A local house with traditional construction style. West side of Kabul, Afghanistan (2023). Photo Credit: ©Kayhan.

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