



Parliamentary Briefing on Afghanistan August 2022

Background

1. Since the Taliban took control of Afghanistan in August 2021 following the US and allied forces withdrawal, Human Rights Watch and other organisations have been documenting and reporting on the grave human rights abuses committed by the Taliban, particularly against women and girls, as well as the country's humanitarian and economic crises.
2. Taliban authorities have harassed and detained human rights defenders, [women's rights activists](#), [journalists](#), and [female protesters](#) who peacefully demanded their right to work and other freedoms; [summarily executed or forcibly disappeared](#) more than a hundred people associated with the former government; [tortured people in custody](#); and increasingly censored or imposed [wide-ranging restrictions on the media and free speech](#).
3. The Taliban have imposed an array of policies violating [virtually every aspect of the rights of women and girls](#) in Afghanistan. They dismissed all women from leadership posts in the civil service and prohibited girls in most provinces from attending secondary school. In March, they [extended their earlier ban](#) on girls' secondary education, striking a devastating blow to millions of girls and their families. Taliban decrees prohibit women from traveling unless accompanied by a male relative and require women's faces be covered in public—including women TV newscasters.
4. The Afghan economy collapsed after August 2021, as millions of people lost salaries when the US, World Bank, and other donors stripped the Central Bank of Afghanistan of its foreign assets and access to financial assistance. Afghanistan now faces a severe [humanitarian crisis](#). About 95 percent of Afghan households are [facing acute food insecurity](#)—the result of an economic meltdown set off by widespread [lost income](#), cash shortages, and [rising food costs](#), along with a lack of medicine and a rise in malnutrition-related disease. Afghan children are [starving to death](#) nearly every day, [humanitarian organisations reported in January](#).

UK Relocation and Resettlement Schemes

5. During Operation Pitting and the aftermath of the Taliban's takeover, the UK Government [evacuated](#) around 18,000 people, including more than 6,000 British nationals, to the UK.
6. The UK Government introduced two schemes for the relocation and resettlement of Afghan nationals and certain family members: 1) the Afghan Relocations and Assistance Policy (ARAP)¹ for former Locally Employed Staff (LES) in Afghanistan, and (2) the Afghanistan Citizens Resettlement Scheme (ACRS),² which committed to resettling up to 20,000 vulnerable and at-risk Afghans in the UK over the coming years. Those arriving under ARAP and ACRS receive Indefinite Leave to Remain (though, only Afghans under referral pathway two of ACRS will be granted refugee status).
7. The above organisations welcomed the government's introduction of the ARAP and ACRS in providing Afghans with safe passage to and sanctuary in the UK. However, Afghans seeking to flee Afghanistan, at risk in neighbouring countries, and those already in the UK need much greater support and assistance. Thousands of Afghan evacuees in the UK are [still in temporary housing](#), usually hotel rooms, leading to [deteriorating mental health and other harmful consequences](#).

Afghan Relocations and Assistance Policy

8. The **ARAP scheme** was launched on 1 April 2021, representing a significant improvement to the previous policies that determined the UK's support to its former military interpreters and other staff. However, nearly a year since the UK's withdrawal from Afghanistan, the scheme is **still not functioning properly** and is marred by **ongoing substantive and procedural problems**.
9. As of 27 July 2022, around [10,100 eligible individuals and their families](#) have been relocated to the UK under ARAP. However, **thousands of Afghans who remain at real risk** because of their work with the UK mission in Afghanistan, and their families, **have yet to be relocated and find safety in the UK**.
10. There is a [reported](#) backlog of 23,000 applications since October 2021, with only *one in four* applications having been processed, and many Afghans who applied for the scheme last year [yet to receive a decision](#). [Legal proceedings](#) have been launched against the government for unacceptable delays to processing and relocation. The Ministry of Defence has [revealed](#) that since the beginning of April 2022 to 13 June 2022, decisions have been issued in *only two cases* out of the 3,226 applications received under ARAP. The Prime Minister has been [questioned](#) as to why, given this backlog and processing delays, the number of staff processing ARAP applications has been cut by a quarter since December. In early July 2022, the Ministry of Defence estimated that around [8,000 Afghans](#) could still be eligible for the scheme and later stated that there are around [2,000 principals](#) who worked with the UK yet to be brought over.

¹ Ministry of Defence, 'Afghan Relocations and Assistance Policy: further information on eligibility criteria, offer details and how to apply' (updated 27 April 2022) <www.gov.uk/government/publications/afghan-relocations-and-assistance-policy/afghan-relocations-and-assistance-policy-information-and-guidance> accessed 27 June 2022.

² Home Office, 'Afghan Citizens Resettlement Scheme' (published 18 August 2021) <www.gov.uk/guidance/afghan-citizens-resettlement-scheme> accessed 27 June 2022.

11. In addition to not functioning properly, ARAP **unjustifiably excludes** many Afghans and their family members from accessing the scheme. Since its inception, organisations such as Human Rights Watch and the Sulha Alliance have criticised the **scheme for being too restrictive**.³ Nonetheless, in December 2021, the government further narrowed eligibility, including heightening risk thresholds to levels that are unduly restrictive.⁴ As a result, many Afghans who worked for and with the UK Government **still remain excluded from the ARAP scheme and who, due to that contribution, live in fear for their own and their family's safety**.
12. In early 2022, we and several other organisations [called for three critical problems associated with ARAP](#) to be remedied by way of an amendment to the Nationality and Borders Bill and associated Immigration Rules.
13. First, the amendment would **have broadened and clarified the eligibility criteria** to ensure that *any* Afghan who worked alongside, in partnership with or closely supporting and assisting the UK Government or for a British-based organisation or institution founded by, funded by or otherwise connected to the UK Government (whether as direct employees or contractors providing linguistic services or other goods and services to the UK in Afghanistan), including those who made a vital contribution to the UK's national security objectives in Afghanistan, falls within the ARAP scheme if they meet the other relevant conditions for the scheme. UK Government programmes delivered national security objectives defined more broadly than military or security. Afghans were often contracted to private sector companies or non-governmental organisations who were therefore not directly employed by the UK Government; their employment status makes no difference to the threats they face from the Taliban.
14. In broadening the eligibility criteria, the amendment also **would have reduced the risk threshold** to real risk to a person's life or safety for direct employees of and contractors providing goods or services to the UK Government in Afghanistan, and high risk of death or serious injury for other eligible persons working in Afghanistan who made a substantive positive contribution to the UK's relevant objectives. The ARAP scheme currently features a range of risk thresholds for Afghans, which are high and evidentially difficult to meet.
15. Second, the amendment would have **replaced the current vague and far-reaching criteria for who can be excluded under ARAP on security grounds**,⁵ by borrowing from relevant international standards, specifically the criteria for exclusion from refugee status set out in Article 1F of the 1951 Refugee Convention. It also provided for independent and transparent due process guarantees for exclusion, including disclosure of relevant information and evidence and rights of appeal, taking into account the serious consequences of excluding Afghans who worked for and with the UK Government whose life or safety is now at risk because of this work. A number of Afghans have successfully challenged the legality of the exclusion decisions through judicial review.

³ Human Rights Watch, 'Letter to UK Prime Minister Boris Johnson Regarding the Human Rights Crisis in Afghanistan' (20 August 2021) <www.hrw.org/news/2021/08/20/letter-uk-prime-minister-boris-johnson-regarding-human-rights-crisis-afghanistan>; Sulha Alliance, 'Written evidence submitted by the Sulha Alliance' <<https://committees.parliament.uk/writtenevidence/40188/pdf>> accessed 1 July 2022; Human Rights Watch, 'Submission to the UK Foreign Affairs Committee Inquiry into Afghanistan' (November 2021) <www.hrw.org/news/2021/12/07/submission-uk-foreign-affairs-committee-inquiry-afghanistan> accessed 1 July 2022.

⁴ Statement of Changes in Immigration Rules HC 913 (14 December 2021) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040410/E02701506_HC_913_Immigration_Rules__PRINT_.pdf> accessed 1 July 2022.

⁵ Contained in Part 9 of the Immigration Rules.

16. Third, the amendment would have inserted into the Immigration Rules a route for the **relocation of additional family members**, ensuring that persons now at risk because of their relative's relationship with the UK can access a safe route to the UK.⁶ We are aware of a [number of cases](#) of additional family members of relocated Afghans who worked with the UK in Afghanistan who say they **face a real risk of harm and are desperately in need of a safe pathway out of Afghanistan to the UK**.
17. The UK Government has yet to rectify these three issues.⁷

Afghanistan Citizens Resettlement Scheme

18. The ACRS was announced in August 2021, with the government committing to resettle more than 5,000 people in the first year and up to 20,000 over the coming years. However, the ACRS was only formally opened in January 2022, with the first eligible family relocated under the scheme on 6 January 2022 (though, as discussed below, Afghans already in-country following Operation Pitting were moved into ACRS and counted towards its places).⁸ There have been no further updates as to how many individuals have been resettled under the scheme.
19. The scheme is stated to prioritise “those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women’s rights, freedom of speech, and rule of law” as well as “vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+)”.
20. The ACRS includes three specific pathways and categories of persons eligible for resettlement under the scheme. There is no application process for ACRS, rather, eligible individuals will be referred for resettlement via one of the three pathways.
21. The Home Office declared that the first to be settled through **pathway one** were vulnerable and at-risk individuals who arrived in the UK under Operation Pitting. This included evacuated Afghan family members of British nationals. As a result, approximately 6,500 Afghans *already in the UK* evacuated during Operation Pitting and since the UK’s withdrawal were the first to be counted towards the 20,000 places under ACRS, while other places will be filled by those who were called up for evacuation but did not make it onto the evacuation flights.
22. This **significantly reduces the number of places** available within the scheme. The UK’s commitment of 20,000 is notably less than that of other countries, including Canada, which has doubled the number of Afghan refugees they committed to resettling to 40,000 Afghans.⁹ The fact that the number of available places is much lower than anticipated also makes it **imperative that ARAP is not unduly restrictive** and adequately captures those who worked for and with the UK Government in Afghanistan.

⁶ The route was to be no less favourable than that contained in the Home Office’s Additional guidance on the eligibility of additional family members under the Afghan locally employed staff relocation schemes, published 4 June 2021

⁷ See further Sara de Jong and Dimos Sarantidis, ‘Divided in Leaving Together: The resettlement of Afghan locally employed staff - a comparison between Australia, Canada, Denmark, Germany, France, the Netherlands, the United Kingdom, and the United States’ (May 2022) 29-31, 41-42, 56-58 <<https://www.york.ac.uk/igdc/papers/>> accessed 5 July 2022.

⁸ Home Office, ‘First family resettled under Afghan Citizens Resettlement Scheme’ (6 January 2022) <<https://www.gov.uk/government/news/first-family-resettled-under-afghan-citizens-resettlement-scheme>> accessed 1 July 2022.

⁹ Government of Canada, ‘Canada expands resettlement program to bring more Afghans to safety’ (13 August 2021) <<https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/08/canada-expands-resettlement-program-to-bring-more-afghans-to-safety.html>> accessed 1 July 2022.

23. **Pathways two and three** were [only opened](#) on 13 June 2022, ten months after the Taliban takeover.
24. Under **pathway two**, the UK will receive referrals from the United Nations High Commissioner for Refugees (UNHCR) for vulnerable refugees who have fled Afghanistan for resettlement to the UK, with up to 2,000 places available in the first year. Afghans resettled via this pathway are the only ACRS group who will receive refugee status and the accompanying rights. Individuals will be assessed for resettlement by the UNHCR using their established process and in line with their resettlement submission categories. As stated above, the ACRS is intended to prioritise, among other vulnerable people, “members of minority groups at risk (including ethnic and religious minorities and LGBT+)”. This priority aim does not fall squarely within [UNHCR’s resettlement submission categories](#) and as such, the UK Government should ensure the scheme meets its stated aim of prioritising ethnic and religious minorities, for example, by increasing the places available specifically for these groups.
25. **Pathway three** is designed to offer resettlement to those at risk who supported the UK and international community effort in Afghanistan, as well as those who are particularly vulnerable, such as women and girls at risk and members of minority groups. In the first year of the pathway, the government will consider at-risk British Council and GardaWorld contractors and Chevening alumni for resettlement, providing 1,500 places for them and their eligible family members in year one. Expressions of interest will be accepted until 15 August 2022.
26. The 183 members of the security staff at the British Embassy employed by GardaWorld can now submit an ‘Expression of Interest’ under this pathway by the 15 August deadline. The Sulha Alliance reported on their plight as [early as 3 August 2021](#) and Dominic Raab (then Foreign Secretary) eventually confirmed their eligibility *during* Operation Pitting. Their situation illustrates the prolonged delay of their relocation to the UK. The August 2021 airport explosion [prevented the security guards](#) from reaching the airport once they finally received clearance from Dominic Raab and as a result, only very few GardaWorld personnel have been able to come to the UK.
27. GardaWorld employees who applied to ARAP – the scheme they were previously deemed eligible for – are currently receiving rejection letters from the ARAP team, leading to unnecessary stress, rather than their ARAP applications simply being transferred to the ACRS team or being proactively signposted by the ARAP team to the ACRS process.
28. Waiting to process applications until mid-August further delays the route to safety to the UK for contractors and alumni at imminent risk and living in fear because of their connection to the UK Government. In Parliament in June 2022, it was stated that “[180 British Council contractors remain in Afghanistan](#), 85 of whom have been classified by us as being at “very high risk”, while a further 90 or so are deemed to be at “high risk”.
29. Moreover, we consider that at-risk British Council and GardaWorld contractors and Chevening alumni should have been processed under ARAP, not ACRS, given their close association with the UK’s efforts in Afghanistan. Given the limited numbers available under ACRS, it cannot be a replacement for a sufficiently broad ARAP scheme, one that is uncapped and specifically created to relocate Afghans who supported the UK mission. It remains [unclear whether more places will be opened up](#) if there are more British Council and GardaWorld contractors, and Chevening alumni who meet the criteria.

30. It is deeply concerning that there is **currently no safe route for Afghan women and girls and members of oppressed minority groups** (for example, Shia Hazaras and LGBT+ Afghans), who are unable to access the ACRS in the first year of the pathway and who are ineligible for ARAP. This leaves some of the most at risk and vulnerable Afghans waiting for the second year of pathway three to open, while their situation further [deteriorates](#).
31. The failures and restrictive nature of the ACRS and ARAP schemes mean that Afghans facing a real risk to their life and safety **may feel they have no choice but to attempt unsafe means of travel to the UK**, unable to wait and see if they have secured an ACRS place or for a decision to finally be made on their ARAP application.
32. Tellingly, in the first three months of 2022, [people fleeing Afghanistan were the largest group](#) crossing the English Channel. [According to the Home Office's own figures](#), there has been a five-fold increase in Afghan refugees arriving by boat, many of whom [supported the UK](#) and international community's effort in Afghanistan.
33. Afghans seeking asylum in the UK since 1 January 2022 following a 'dangerous' journey now also risk being [expelled to Rwanda](#) under the recently signed UK-Rwanda Asylum Partnership Arrangement, if their claim is inadmissible and should the scheme survive ongoing legal challenges, with no access to asylum in the UK. This represents a clear abrogation of the UK's international responsibilities and obligations to people seeking asylum in the UK.¹⁰ In line with its *own aim* of preventing "irregular migration", the UK Government should instead be increasing safe routes and scaling up its global refugee resettlement.

Recommendations

34. In light of the human rights and humanitarian catastrophe in Afghanistan, we recommend that Parliamentarians urge the UK Government to take the following crucial steps to rectify the problems with ARAP and ACRS and live up to their responsibilities and commitments towards Afghans:
 1. **Expedite all ARAP applications, provide applicants with clear timelines, and urgently relocate** eligible Afghans and their family members to the UK, from both within Afghanistan and the region, committing to make decisions on new applicants and reviewed cases within three months. Ensure the UK is doing all that it can to widen and speed up **safe passage for eligible Afghans out of Afghanistan**, allocating more resources and extending the [agreement with Pakistan](#) for visas on arrival.
 2. **Expand the ARAP scheme** to ensure that all Afghans who worked alongside, in partnership with or closely supporting and assisting the UK Government or for a British-based organisation or institution founded by, funded by or otherwise connected to the UK Government, including those who made a vital contribution to the UK's national security objectives in Afghanistan, and who currently fall outside the narrow categories of the scheme, are eligible for relocation.
 3. **Reduce the ARAP risk thresholds** to real risk to life or safety for direct employees of and contractors providing goods or services to the UK Government in Afghanistan, and

¹⁰ Human Rights Watch, 'Public Letter to UK Home Secretary on Expulsions to Rwanda' (June 2022) <<https://www.hrw.org/news/2022/06/11/public-letter-uk-home-secretary-expulsions-rwanda>> accessed 5 July 2022.

high risk of death or serious injury for other eligible persons working in Afghanistan who made a substantive positive contribution to the UK's relevant objectives.

4. **Secure a statement** from the Ministry of Defence and the Foreign Commonwealth and Development Office confirming that they will interpret national security objectives more broadly, in line with the UK national strategy for Afghanistan and its military/civilian 'comprehensive approach', specifically to include stabilisation, governance, rule of law, human rights, and social/economic development objectives.¹¹
5. Provide ARAP applicants with independent and transparent **due process guarantees** to challenge exclusions and rejections, including disclosure of relevant information and evidence, a right of appeal and access to legal aid.
6. **Remove the cap of 1,500 places available** for at-risk British Council and GardaWorld contractors and Chevening alumni in the first year of ACRS pathway three and **operationalise all parts of pathway three immediately** to allow particularly vulnerable Afghans, such as women and girls and members of minority groups, to have access to a safe route to the UK now, rather than having to wait until the second year of the pathway opens in August 2023.
7. **Increase the number of ACRS places beyond 20,000** by the amount of those who arrived in the UK under Operation Pitting and were counted under pathway one of the scheme ([approximately 6,500](#), including British nationals and their family members) and **exclude family members resettled** under the ACRS since 6 January 2022 and going forward from the 20,000 allocated ACRS places, though ensuring they receive the same benefits. Alternatively, allow **ACRS to be uncapped**.
8. Ensure both ARAP and ACRS are **adequately resourced and managed** to allow decisions to be made in a timely manner and for Afghans to be relocated and resettled to the UK in a timely and expedited manner, in recognition of the real and imminent risks many face.
9. **Waive biometric requirements** for Afghans seeking relocation or resettlement to the UK under the schemes and allow them to apply online without needing to attend a Visa Application Centre, to upload a scanned copy or image of their passport, and for biometrics to be taken on arrival in the UK (as is the case for Ukrainians with valid international Ukrainian passports).¹²
10. To ensure the same approach for all refugees, regardless of origin, **establish an Afghan family reunion scheme**, on parallel terms to the [Ukraine Family Scheme](#). This would allow Afghans (including dual British citizens, those settled in the UK, and those with refugee status or humanitarian protection) in the UK to sponsor extended family members

¹¹ See Stabilisation Unit, 'The UK Government's approach to Stabilisation: A guide for policy makers and practitioners' (published 19 December 2018) <<https://www.gov.uk/government/publications/the-uk-governments-approach-to-stabilisation-a-guide-for-policy-makers-and-practitioners>> accessed 4 July 2022; Stuart Gordon, 'Winning Hearts and Minds?: Examining the Relationship between Aid and Security in Afghanistan's Helmand Province' (Feinstein International Center, 2011) <<https://fic.tufts.edu/publication-item/winning-hearts-and-minds/>> accessed 4 July 2022; Foreign Affairs Committee, 'Global Security: Afghanistan and Pakistan' ch 6 (published 21 July 2009) <<https://publications.parliament.uk/pa/cm200809/cmselect/cmfaff/302/30209.htm>> accessed 4 July 2022.

¹² See on obstacles posed by biometrics, e.g. *R (JZ) v Secretary of State for Foreign, Commonwealth and Development Affairs & Ors* [2022] EWHC 771 (Admin); *R (S & Anor) v Secretary of State for the Home Department & Ors* [2022] EWHC 1402 (Admin).

(beyond a spouse, partner, and children) who will be able to live, work and study in the UK and access public funds.

Contacts

Yasmine Ahmed
Human Rights Watch
Direct Line: 07531 405 665
ahmedy@hrw.org

Dr Emilie McDonnell
Human Rights Watch
Direct Line: 02076 184 709
mcdonne@hrw.org

Dr Neelam Raina
Afghan Solidarity Coalition / Middlesex
University
N.Raina@mdx.ac.uk

Joseph Seaton
At Risk Teachers
joseaton@hotmail.com

Rosie Shaw
Azadi Charity
Rosie@azadicharity.com

Zoe Bantleman
Immigration Law Practitioners' Association
zoe.bantleman@ilpa.org.uk

Sabir Zazai
Scottish Refugee Council
Sabir.Zazai@scottishrefugeecouncil.org.uk

Dr Sara de Jong
Sulha Alliance
sara.dejong@york.ac.uk

Laure-Hélène Piron
UK Afghanistan Diplomacy and
Development Alliance
ukafghandda@gmail.com

Gender, Justice and Security Hub
<https://thegenderhub.com>