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UK immigration routes for Afghan nationals



Summary

- 1 August 2021: Evacuation under Operation Pitting
- 2 Resettlement and relocation schemes
- 3 Family members of British or Afghan nationals in the UK
- 4 Special arrangements for Afghans currently in the UK
- 5 What are other countries doing?

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Summary

Many Members of Parliament are dealing with a lot of enquiries from constituents asking how relatives or friends in Afghanistan might be able to come to the UK. A GOV.UK page, [Support for British and non-British nationals in Afghanistan](#), includes contact details for people in Afghanistan in need of assistance from the UK Government. However it cannot be used to register interest in the new Afghan resettlement scheme.

Evacuation, resettlement and relocation schemes

Some Afghans have already come to the UK or been told that they are eligible to come to the UK, under bespoke arrangements for people affected by the situation in Afghanistan. The Government has said that it will grant this group of people indefinite leave to remain in an appropriate immigration category (e.g., under the resettlement or relocation schemes, or as a family member of a UK-based sponsor).

Operation Pitting

Some Afghan nationals came to the UK as part of the August 2021 military evacuation. Broadly, they were family members of British or Afghan nationals living in the UK, people eligible under the relocation schemes for UK Government employees, and other particularly vulnerable cases.

The Afghan Citizens' Resettlement Scheme (ACRS)

The Afghan Citizens' Resettlement Scheme (ACRS), confirmed on 18 August, is not yet open. The Government aims to resettle up to 5,000 people in the first year of operation, but it has not yet announced when it will begin.

The ex gratia and ARAP schemes for former employees

Some Afghan civilians (and family members) previously employed by the British government who fear reprisals from the Taliban are eligible for relocation in the UK. There are two schemes currently in use:

- The **ex-gratia redundancy and resettlement scheme**, which will run until November 2022. It caters for people who worked directly for HMG on 1 May 2006 and had served for more than 12 months.
- The **[Afghan Relocations and Assistance Policy \(ARAP\)](#)** is open to any current or former staff employed by HMG in Afghanistan since 2001, who are assessed to be at serious risk of threat to life. Eligibility is regardless of employment status, rank or role, or length of time served. The scheme is open-ended and there is no limit or quota on the number of people eligible.

Recent changes made to the schemes over summer 2021 include broadening ARAP eligibility rules to include Afghans dismissed from service for minor administrative offences; ensuring that interpreters who supported the UK military as contractors will be eligible for relocation under ARAP; and allowing people to apply for relocation from outside Afghanistan.

Other immigration routes

Various other UK visa routes might be relevant to Afghan citizens. But the Government is currently advising people in Afghanistan against applying for a visa, because it will not process applications whilst there is no way to submit supporting biometric information.

Afghans who have already left Afghanistan and can access a visa application centre in another country can make an application, but the Government is reluctant to tell people who feel at risk in Afghanistan to attempt to leave the country.

Refugee family reunion rules

‘Pre-flight’ immediate family members (partner and dependent children under 18) of adult refugees can join them in the UK under the refugee family reunion rules.

Family visa rules

The broader family migration immigration rules apply to other types of family case (sponsors/relatives ineligible under the refugee family reunion rules and relatives of British citizens and people settled in the UK). Significant application fees and more onerous eligibility requirements apply to these applications.

Special arrangements for Afghans already in the UK

Afghans with limited leave to remain in the UK

The Home Office has recently said that it will introduce some limited flexibility to waive some supporting documentation requirements and restrictions on switching immigration category for Afghans in the UK.

Asylum seekers

Updated Home Office asylum policy guidance issued in early October does not recommend that all Afghan asylum seekers be granted protection in the UK. It does identify several groups of Afghans likely to be at risk of persecution by the Taliban. The categories listed are similar to those potentially eligible under the UK’s evacuation, relocation and resettlement schemes.

Enforced removals to Afghanistan are currently “paused”.

1 August 2021: Evacuation under Operation Pitting

[Operation Pitting](#) was announced on 13 August, ahead of the departure of UK forces from Afghanistan at the end of that month. Its purpose was to support the evacuation of British nationals and Afghans eligible for repatriation or relocation in the UK.

The Government has said that over 15,000 British nationals and Afghans were evacuated from Afghanistan over the course of the operation.¹ That figure includes over 8,500 Afghan civilians who had been employed by the UK Government and were eligible for relocation in the UK under the Afghan Relocation and Assistance Policy (ARAP) scheme.²

1.1 Who was eligible for evacuation?

Several categories of people were evacuated under Operation Pitting, primarily:

British nationals and family members

British citizens in Afghanistan and their family members were eligible for emergency repatriation in the UK. Measures taken to help people leave the country quickly included issuing passports, emergency travel documents and visa waivers for family members of British nationals.³

Afghan nationals eligible for relocation under ex gratia/ARAP schemes

Operation Pitting accelerated pre-existing measures to relocate Afghans currently or formerly employed by the UK Government, namely the ex gratia redundancy and resettlement scheme and the Afghan Relocation and Assistance Policy (ARAP). These people may be at risk because of their employment. The schemes are discussed further in section 2.1 and Library briefing [Resettlement schemes for locally employed civilians in Afghanistan](#).⁴

Particularly vulnerable Afghan civilians

An unspecified number of vulnerable Afghan nationals (who were not eligible under the ARAP scheme or otherwise entitled to remain in the UK) were also

¹ MoD, [Twitter](#), 28 August 2021

² Home Office, [Twitter](#), 30 August 2021

³ Home Office in the Media Blog, [Factsheet: Resettlement routes for Afghan nationals](#), 19 August 2021

⁴ CBP 9286

‘called forward’ for evacuation to the UK under Operation Pitting. The Foreign Secretary has said that the Foreign, Commonwealth and Development Office (FCDO) took responsibility for identifying these cases, and that they were granted “leave outside the rules” to be able to come to the UK.⁵

The Home Office has said the groups called forward included female politicians, members of the LGBT community, women’s rights activists and judges.⁶

These people will be treated as falling under the new Afghan Citizens’ Resettlement Scheme (ACRS, discussed in section 2.2).⁷

Immigration status and entitlements

All Afghan nationals and family members who were evacuated, called forward or authorised for evacuation during Operation Pitting will be offered indefinite leave to remain in the UK (e.g., under the ACRS, or in a family visa category), due to the “difficult, exceptional and unique circumstances in which many arrived in the UK”. This will also apply to eligible people who arrive in the UK after the evacuation.⁸

The Home Office has said that it needs to ensure that everyone has the correct status. It has acknowledged that a “small number” of groups of people evacuated might not fit into the above arrangements, but that it will work to resolve their situation quickly.⁹

A [Home Office factsheet for people evacuated from Afghanistan](#), updated on 13 September, states that “We will work with you to secure your long-term UK immigration status over the next six months. There are a number of different immigration routes and we will work with you to identify which is best for you.”

The factsheet does not specify what immigration status the evacuees currently have pending the grant of indefinite leave, but does confirm that they are eligible to work, study and receive free healthcare. It also said that they are eligible for financial support and accommodation and provides the

⁵ Foreign Affairs Committee, [Oral evidence: Government policy on Afghanistan](#), HC 685, 1 September 2021, Q127

⁶ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 2. See also Foreign Affairs Committee, [Oral evidence: Government policy on Afghanistan](#), HC 685, 1 September 2021, Q45; Q54. A more detailed list (no longer publicly available) listed current or former Chevening Scholars, people with existing immigration leave or an open application for a work, student or family visa, journalists, civil society groups for women’s rights, government officials, officials working in counter-terrorism and counter-narcotics, and employees of charities, humanitarian organisations and NGOs (source: Home Office in the Media Blog, Factsheet: Resettlement routes for Afghan nationals, 19 August 2021 (accessed 1 September 2021; subsequently updated and amended)).

⁷ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 2

⁸ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 6

⁹ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 7

contact details for a welfare helpline for Afghan evacuees currently accommodated in hotels.¹⁰

1.2 Securing safe passage for eligible people who were not evacuated

Operation Pitting ended before everyone who had been identified as eligible had been evacuated and/or relocated.

The Government has confirmed that it is in talks with the Taliban to secure safe passage out of Afghanistan for British nationals and eligible Afghans.¹¹

There is some uncertainty over the number of British citizens and Afghan nationals in Afghanistan or neighbouring countries eligible for repatriation and/or relocation in the UK.¹²

In a letter sent to MPs on 27 August, Ministers said that the UK would continue to try to help any remaining people in Afghanistan or neighbouring countries who are eligible to come to the UK.¹³ The Government has said that vulnerable Afghan citizens who were called forward by the FCDO but could not be evacuated before the UK's withdrawal will be guaranteed a place under the ACRS.¹⁴

The Home Office policy statement on 13 September gave an update on action being taken to progress these cases:

11.UKVI has established a dedicated case working team, which is working jointly with FCDO and the MoD, to take the necessary steps to bring more people to safety in the UK. This includes those who were called forward for evacuation but remain overseas. (...)

12.The dedicated team will contact individuals in this situation who can also refer to the helpline details at the end of this document.¹⁵

The Minister for Afghan Resettlement, Victoria Atkins, made a related oral statement to the House on the same day. In terms of the 311 eligible ARAP cases that the Government believes remain in Afghanistan, she said “Of course, as and when options and diplomatic levers work, plans can be put in place to deal with them.”¹⁶

¹⁰ Home Office, [Next steps in the UK: immigration information for people evacuated from Afghanistan](#), 9 September 2021

¹¹ BBC News, [Afghanistan: UK and Taliban in talks over further evacuations](#), 1 September 2021

¹² Foreign Affairs Committee, [Oral evidence: Government policy on Afghanistan](#), HC 685, 1 September 2021, Q 17-18; Q35-42

¹³ Home Office, [Afghanistan update: letter to MPs](#), 27 August 2021

¹⁴ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 25

¹⁵ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021

¹⁶ [HC Deb 13 September 2021 \[Afghanistan Policy\]](#). c687

The then Foreign Secretary had highlighted some of the practical and bureaucratic difficulties that such cases pose, such as the need to conduct background security checks, in oral evidence to the Foreign Affairs Committee in early September.¹⁷

¹⁷ Foreign Affairs Committee, [Oral evidence: Government policy on Afghanistan](#), HC 685, 1 September 2021, Q54; Q128; Q135

2 Resettlement and relocation schemes

2.1 Afghan Citizens' Resettlement Scheme (ACRS)

Resettlement is a process where recognised refugees are transferred into the UK and is separate from the UK's in-country asylum process. The Government [confirmed on 18 August](#) that it is introducing a bespoke scheme to enable vulnerable Afghan citizens to be resettled in the UK.

The scheme is not yet operational. GOV.UK advises people to keep checking its [Afghan citizens' resettlement scheme page](#) for further updates.

The Government has confirmed that people resettled in the UK under the ACRS will be granted indefinite leave to remain immediately. Indefinite leave to remain gives the holder permission to work and access welfare benefits and healthcare, and a direct path to naturalising as a British citizen.

How many people might be resettled in the UK?

The Government has said that it is aiming to resettle up to 20,000 Afghans under the ACRS over the next few years, including up to 5,000 in the first year of operation. It recognises that the level of interest in resettlement under the scheme is likely to greatly outnumber the places available.¹⁸

A Home Office in the Media Blog post, [Factsheet: Resettlement routes for Afghan nationals](#), 19 August (subsequently updated; date unchanged) said that "the route will be kept under constant review and will be operationally flexible given the challenging circumstances."

The Prime Minister has confirmed that the ACRS will operate in addition to the ARAP scheme (discussed in section 2.2 below) and [existing refugee resettlement schemes](#), which have a broader geographical focus (the UK Resettlement Scheme, Community Sponsorship, and the Mandate Resettlement Scheme). The Home Office has not established targets/quotas for the number of people to be resettled in the UK under any of the other schemes.

¹⁸ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 24

Eligibility and how to access the scheme

Who qualifies?

A Home Office policy statement dated 13 September provides the most comprehensive overview of the anticipated eligibility criteria for resettlement under the ACRS.¹⁹ It explains:

The scheme will prioritise:

- a. those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, rule of law (for example, judges, women's rights activists, academics, journalists); and
- b. vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT).

The ACRS will be targeted towards people affected by events in Afghanistan, who are in Afghanistan or the region. Non-Afghan nationals (e.g., members of mixed nationality families) will be eligible but most people resettled are likely to be Afghan.

Eligible individuals' spouses, partners and dependent children under the age of 18 will be eligible for resettlement. Other family members may be eligible in exceptional circumstances (not defined in the policy statement). Eligible unaccompanied children may be offered resettlement under the ACRS where it is determined that resettlement in the UK is in their best interests.

All individuals will be security screened as part of the eligibility checks, and people who have committed serious crimes will not be eligible under the scheme.

How can people access the scheme?

People will not be able to apply directly to the Home Office to be considered for resettlement under the ACRS. Instead, potentially eligible individuals will be identified in one of three different ways:

- Some places will be used for people who have already arrived in the UK under the evacuation programme and people who had been called forward or authorised for evacuation who subsequently come to the UK.
- UNHCR will identify and refer for consideration for resettlement refugees who have already fled Afghanistan and are currently in the region, based on assessments of their protection need. Women and girls at risk, and

¹⁹ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, paras 23-33

ethnic, religious and LGBT minority groups at risk, are amongst those expected to be prioritised.

- Working with international partners and NGOs in the region, the Government will establish a referral process for people inside Afghanistan and people who have recently fled to neighbouring countries. This route is expected to cater for human rights activists, prosecutors, and others at risk.

The Home Office has signalled that it might take longer to establish the third channel than the other two, since it is dependent on the situation in Afghanistan and the ability to arrange people's safe passage.

The Afghan refugee population

Refugees who have fled Afghanistan are likely to end up in Iran or Pakistan. The UNHCR has a webpage which [monitors the situation in the area surrounding Afghanistan](#). This webpage includes details of the UNHCR-operated camps and facilities in these countries.

The UNHCR's data suggests that as of the end of 2020 there were around 2.2 million Afghan refugees living in Iran and Pakistan.²⁰

At the peak of displacement, during the invasion in 2001, there were 3.7 million Afghan refugees living in Iran and Pakistan. The total number of Afghan refugees and asylum seekers globally at that time was around 3.8 million, which indicates that most displaced Afghans did not progress farther than their neighbouring countries.

Since 2003, 45,000 Afghan refugees have been resettled from the region around Afghanistan to other (predominantly Western) countries. The USA has resettled the most, followed by Australia and Canada.²¹

Asylum seekers in the UK

The Government maintains that Afghans who spontaneously arrive in the UK by irregular means will not be eligible for consideration under the ACRS. Nor will it be possible to access to the UK asylum system before arrival in the UK:

Will people who come to the UK via irregular migrant routes, such as small boats, be eligible to apply to the scheme?

²⁰ UNHCR, [Refugee data](#): population [accessed 16 August 2021]

²¹ UNHCR, [Refugee data](#): population [accessed 16 August 2021]

Eligibility for this route will be for those in the region who are in need of assistance, including women, girls and children at risk given their particular vulnerability.

Those who arrive to the UK via irregular routes are currently able to apply for asylum.

Under the Nationality and Borders Bill, it will become a criminal offence to knowingly arrive in the UK illegally without permission to be here.

Our position is still that people should claim asylum in the first safe country they reach and not risk their lives making dangerous crossings across the Channel. We want to deter people from placing themselves in the hands of evil people smuggling gangs and become trafficked. It is dangerous and unnecessary to attempt to enter the UK in this way. (...).²²

Data on the nationality of people crossing the English Channel in small boats is not routinely published, although some has been released in the past on an ad hoc basis. The latest relevant figures show that between January 2018 and the end of June 2020, 166 Afghans crossed the Channel in small boats.²³ Nearly half of these came in Q2 2020.

More recent data of this kind has been published up until the end of 2020, however this did not include the number of Afghans specifically. The figures do indicate that Afghan was not among the top 5 nationalities of people who made the crossing in the years 2018-2020.²⁴

There are no official published figures for Channel crossings in 2021, although a tally by the BBC suggests that over 11,000 people crossed in the year to mid-August.²⁵

2.2

Afghan civilians contracted by UK: the ex gratia and ARAP schemes

Some Afghan civilians, and their families, who had been locally employed by the British government and fear reprisals from the Taliban, have the possibility of relocation in the UK.

²² Home Office in the Media Blog post, [Factsheet: Resettlement routes for Afghan nationals](#), 19 August (subsequently updated; date unchanged, accessed 10 September 2021)

²³ [Letter from the Home Secretary to the Chair of the Home Affairs Select Committee, 2 September 2020](#): Annex A.

²⁴ [Letter from the Home Secretary to the Chair of the Home Affairs Select Committee, 26 March 2021](#), Annex 22a

²⁵ These are figures which have been supplied by BBC researchers to the House of Commons Library.

Two schemes currently cater for this cohort of people: the ‘ex gratia redundancy and resettlement scheme’ and the Afghan Relocations and Assistance policy (ARAP). Briefly,

- the **ex-gratia scheme** caters for those who worked directly for HMG on 1 May 2006 and had served for more than 12 months when they were made redundant or resigned. It will run until November 2022.
- [the ARAP scheme](#) is open to any current or former staff employed directly by HMG in Afghanistan since 2001, who are assessed to be at serious risk of threat to life. Eligibility for ARAP is regardless of employment status, rank or role, or length of time served. The scheme is open-ended and there is no limit or quota on the number of people eligible.

Eligible ARAP cases are categorised into four different cohorts. There is a possibility of relocation in the UK for three of the four cohorts. Relocation is either offered on an “urgent” or “routine” basis, depending on the circumstances.

The ex gratia and ARAP schemes, established in late 2012 and late 2020 respectively, had previously been criticised for having narrow eligibility criteria and slow processing times.

Significant changes made to the schemes over summer 2021 are:²⁶

- Broadening ARAP eligibility rules to include Afghans dismissed from service for minor administrative offences
- Ensuring that interpreters who supported the UK military as contractors will be eligible for relocation under ARAP
- Allowing people to apply for relocation under either scheme from outside Afghanistan (including people already in the UK), rather than requiring applicants to be in Afghanistan (as previously).
- Granting successful applicants indefinite leave immediately rather than five years’ limited leave (as previously)

A Home Office update on 13 September confirmed that “work is underway with the MOD and FCDO to support the logistics of relocation of those accepted as eligible for ARAP who are already in third countries. Where possible, we will contact those who were identified for relocation to the UK but are not yet in the UK.”²⁷

²⁶ Ministry of Defence, [A letter from the Home Secretary and the Defence Secretary](#), 3 August 2021; Home Office, [Afghan Locally employed staff – relocation schemes](#), v3.0, 1 September 2021, p. 4

²⁷ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 18

See Library briefing [Resettlement scheme for locally employed civilians in Afghanistan](#) for further information about the schemes, including the role of local authorities and related funding arrangements.²⁸

2.3 Operation Warm Welcome and integration support

Victoria Atkins has been appointed Minister for Afghan Resettlement.

Everyone brought to the UK under the ACRS or ARAP schemes will be given indefinite leave and have the right to work, access education and healthcare and be eligible to apply for public funds. The Government has said it will change legislation so that people arriving under the ARAP and ACRS will not be subject to the habitual residence test for access to benefits.²⁹

The Government has said that ACRS and ARAP arrivals will receive a comprehensive package of support, including to learn English and find work, which will enable “rapid self-sufficiency and social integration in UK communities.”³⁰

A [Government press release](#) issued on 1 September gave some initial details about ‘Operation Warm Welcome’, the cross-government initiative to support Afghans’ effective integration in the UK.³¹ It detailed a range of actions and funding commitments, some of which specifically related to people relocated under the ARAP scheme.

The Home Office’s 13 September policy statement gave an update on funding for local authorities participating in the ARAP and ACRS programmes:

36. We will match the tariff for the successful Syrian Vulnerable Persons Resettlement Scheme (VPRS) to provide a complete package covering health, education and integration support costs for those on the ACRS and ARAP. The core local authority tariff of £20,520 per person will be provided to those who volunteer over a shorter period of three years, enabling more funding in those crucial early years to support resettled Afghans to integrate into British society and become self-sufficient more quickly. Funding will also be provided to support education, English language and health provision (in year one only). We have also agreed a further £20m of flexible funding in the current financial year (2021/22) to support local authorities with

²⁸ [CBP 9286](#)

²⁹ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 34

³⁰ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, para 35

³¹ GOV.UK, Press release, [‘Operation Warm Welcome’ underway to support Afghan arrivals in the UK](#), 1 September 2021

higher cost bases with any additional costs in the provision of services.³²

The Mayor of London, Sadiq Khan, set out his own assessment of the long-term funding that London boroughs would need to support the ARAP and ACRS schemes in a [letter to the Secretary of State](#) for Housing, Communities and Local Government on 18 August 2021.

Accommodation pressures

Sourcing appropriate accommodation is a key challenge for the Government and local authorities under the ACRS and ARAP schemes. The Government has set up an [Afghanistan housing portal](#) through which property owners, organisations or companies can offer entire homes for people arriving from Afghanistan.

The volume and pace of arrivals increased significantly in August 2021 and most recently evacuated Afghans have been put in temporary ‘bridging hotels’ whilst more permanent accommodation is found.³³ Home Office officials have speculated that it may take several months for some people to be moved into more permanent accommodation.³⁴

The Mayor of London, amongst others, has identified the benefit cap, and resulting rent shortfall it causes, as a major obstacle for some councils’ ability to secure accommodation for refugee families. He has told London borough councils that they will be able to use the Mayor’s ‘Right to Buy-back’ fund to acquire homes for refugees as well as residents.³⁵

On 8 September, the Refugee Council, a charity, [voiced concerns](#) that “newly evacuated refugees are not always getting the support they need – or the warm welcome they deserve.” It noted that most recent arrivals have been put in temporary hotel accommodation and have had difficulties accessing essential supplies such as toothpaste or nappies, cash, and or information about what will happen to them. The Home Office published a [factsheet for Afghan evacuees](#) in hotel accommodation the following day.

Offers of community support

The Government it is also encouraging the private, voluntary and community sectors to help with the challenge of supporting new arrivals. As well as the online housing portal referred to above, it has expanded [an existing portal through which members of the public, organisations and businesses can register offers of support](#), such as through volunteering, offers of employment or to provide professional skills pro bono, or to donate items needed by new arrivals.

³² Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021

³³ New arrivals [are also required](#) to spend 10 days in a managed quarantine hotel.

³⁴ The Guardian, [‘Some Afghan refugees to be housed in UK hotels for months’](#), 22 September 2021

³⁵ Inside Housing, [Sadiq Khan to expand Right to Buy-back fund to house Afghan refugees](#), 26 August 2021

3

Family members of British or Afghan nationals in the UK

There are various other visa routes potentially relevant to family members of British citizens and Afghan nationals resident in the UK.

The following information is relevant to Afghan family members of British citizens, refugees and people settled in the UK, who were not notified they were eligible for evacuation to the UK under Operation Pitting. As referred to in section 1 of this briefing, different arrangements are in place for close family members who were evacuated or called forward under Operation Pitting. In short, they will be granted indefinite leave to remain without having to pay the immigration fee or satisfy the usual requirements for a family visa (e.g., knowledge of English and minimum income requirement).

Biometrics requirements: a practical obstacle to applying for a visa

The Government has confirmed that non-British family members who were not called forward under Operation Pitting or are not offered resettlement under the ACRS will need to satisfy the usual visa requirements to be able to join family in the UK. This includes paying the relevant fees and submitting biometrics.³⁶ Biometric information [is used](#) to confirm the applicant's identity and conduct checks against immigration and criminality records to prevent visas being granted to people who pose a harm to security.

UK diplomatic and consular staff have been withdrawn from the British Embassy in Kabul and in country operations are suspended. It is not currently possible for people in Afghanistan to submit biometrics in support of a UK visa application. Consequently, the Government is advising people in Afghanistan against making an application and paying a fee at the current time, explaining that applications will not be considered until biometrics have been provided.

Some campaigners [have argued](#) that the Home Office should take a more flexible approach towards when and how biometrics can be provided, so that people can continue to submit applications.

People who are already outside Afghanistan and able to access a Visa Application Centre to provide their biometrics can make an application.

³⁶ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021

3.1 Refugee family reunion

There are longstanding provisions in the Immigration Rules that allow for people granted asylum in the UK to be joined by family members.

Specifically, adult refugees (i.e., people who have been granted Refugee status or Humanitarian Protection)³⁷ can be joined in the UK by their immediate family members (i.e. partner and dependent children under 18) who formed part of their family unit before they fled to claim asylum, as per [paragraphs 352A-352FJ of Part 11 of the Immigration Rules](#).³⁸

Successful applicants are given leave in line with the refugee sponsor (i.e., immigration permission for the same length of time and with the same conditions and entitlements). They can only obtain Refugee status (and the protections from removal that it gives) in their own right by claiming asylum in the UK.³⁹

There are various associated [eligibility and evidential requirements](#) for family reunion applications. For example, partners must demonstrate that their relationship pre-dated the refugee's exile and is still subsisting, and that the two parties intend to live together as partners in the UK. Children must demonstrate that they are related to the refugee relative as claimed, are under 18, are unmarried and are not leading an independent life.

Refugee family reunion cases are exempt from some of the eligibility criteria that apply to other types of family visa application. For example, the refugee sponsor does not have to demonstrate that they will be able to adequately accommodate and maintain the family members without recourse to public funds, and the family members are not required to have any English language skills before coming to the UK. Also, refugee family reunion applications are free of charge (unlike most immigration application categories).

The Home Office's [asylum policy guidance on Family Reunion](#) contains further information about how applications should be assessed.

Who is ineligible under the family reunion rules?

The refugee family reunion rules exclude certain categories of UK-based sponsor, and certain categories of relative.

- **People who do not have Refugee status or Humanitarian Protection cannot act as sponsors** under the family reunion rules to bring family to the UK. This includes:
 - Asylum seekers

³⁷ This can include refugees who came to the UK under an organised resettlement scheme.

³⁸ HC 395 of 1993-4 as amended

³⁹ [\[2019\] FWCA Civ 1670](#)

- A person with Discretionary Leave, Indefinite Leave (unless with Refugee status or Humanitarian Protection) or Leave ‘outside the Rules’
- A person who has naturalised as a British citizen following a previous grant of Refugee status or Humanitarian Protection
- **Certain relatives are ineligible for entry** under the refugee family reunion rules, including:
 - Family members of child refugees
 - Dependent children over 18
 - Other dependent relatives (e.g. sibling, parent, aunt, grandparent)
 - ‘De facto’ adopted children
 - ‘Post-flight’ family members

In these circumstances, the sponsor/applicant must look to the broader family migration provisions in the Immigration Rules to see if they might be eligible for entry to the UK. These are the same rules that apply to British citizens and people with Indefinite Leave to Remain. It may also be possible to obtain permission to come to the UK as an exception to the rules, or on the basis of Article 8 rights, for example.

Recent Government review

Asylum rights campaigners and recent UK governments and their supporters disagree over whether the refugee family reunion rules are too narrow.⁴⁰

It has been argued, for example, that unaccompanied children in the UK should be able to sponsor family reunion applications, and that unaccompanied children (in Europe or elsewhere) should be able to reunite with UK-based relatives more easily.

The Government recently reviewed the refugee family reunion rules as part of a broader review of legal routes of entry to the UK. It had made commitments to do so during the passage of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 and in the March 2021 New Plan for Immigration policy statement.⁴¹

The Government published the outcome of the review in July 2021.⁴² It has decided not to make any substantive changes to the eligibility criteria for refugee family reunion. It said:

⁴⁰ See Library CBP 7511, [The UK’s refugee family reunion rules: a “comprehensive framework?”](#), 27 March 2020

⁴¹ HM Government, [New Plan for Immigration policy statement](#), CP 412, March 2021, p.13

⁴² Home Office, [Report in relation to legal routes from the EU for protection claimants, including family reunion of unaccompanied children](#), July 2021, paras 29-37

33. We have carefully considered the extent of the UK's legal obligations, including under Article 8 of the European Convention on Human Rights (ECHR), and we consider that our existing refugee family reunion policy is compliant with those obligations. Those obligations do not require us to facilitate all family reunions. We have a range of legitimate aims in this area, including ensuring that we have reasonable control of immigration and that public services, such as schools, are not placed under unreasonable pressure. However, we recognise that some applicants do not meet the current Rules, but in some cases there will be exceptional circumstances which warrant a grant of leave. To strengthen our existing policy, we will provide additional clarity in the Immigration Rules on the exceptional circumstances where we would grant leave to a child seeking to join a relative in the UK. In doing so, we will carefully consider a range of scenarios we see now, or might expect to see in the future, so that our decision-makers have the right tools to make consistent decisions, and child applicants will have greater transparency on how applications will be assessed. It also remains our position that an asylum seeker in the UK cannot sponsor a relative under UK Immigration Rules.

In relation to changing the evidential requirements for cases involving unaccompanied asylum-seeking children, it said:

34. We also want to restate the importance of evidencing family links if a UASC wants to be reunited with family in the UK. While we acknowledge this may be challenging for some applicants, we do not agree that moving to a position requested by some stakeholders to lower evidence requirements to demonstrate family links is the right approach; it is vitally important we maintain integrity of the family reunion rules and take decisive action to prevent abuse.⁴³

3.2 Visas for relatives of British citizens and people settled in the UK

The [family migration rules](#) are specified in Appendix FM and part 8 of the [Immigration Rules](#). There are significant application fees and more onerous eligibility requirements for these applications compared to those made under the refugee family reunion rules.

For example, to be eligible for a visa as the [partner of a British citizen or person settled in the UK](#) under Appendix FM of the rules, the UK-based sponsor must satisfy a financial requirement equivalent to a minimum income of at least £18,600 per annum, and the foreign partner must pass a basic English test. The application fee (as at 3 September 2021) is £1,523 plus £1,872

⁴³ Ibid.

for the Immigration Health Surcharge. Successful applicants are granted limited leave for 2.5 years initially, with permission to work but no recourse to public funds. The visa must be renewed for a further 2.5 years and after five years the partner can apply for permission to stay permanently (subject to various eligibility criteria).

Other [adult dependent relatives](#) (e.g. parents, siblings, children, grandparents) may be eligible for entry to the UK under Appendix FM if “as a result of age, illness or disability [they] require long-term personal care to perform tasks” and are “unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because ... it is not available ... or ... not affordable.” At the time of writing, the application fee is £3250.

Separated children, including de facto adopted children, are eligible to join relatives who have Refugee status or Humanitarian Protection in the UK in accordance with paragraphs 319X – 319XB of the Immigration Rules. The requirements include that “there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child’s care; the applicant is not leading an independent life; and the applicant will be accommodated and maintained adequately by the relative without recourse to public funds”.

4 Special arrangements for Afghans currently in the UK

4.1 Afghan nationals in the UK with limited leave

Most UK visa categories initially give ‘limited’ (i.e. temporary) leave to remain in the UK (e.g. as a [worker](#), [student](#) or family member of a person in the UK).

The Home Office has confirmed that it will introduce some concessions for Afghans already in the UK in an economic, work or study route who need to extend their visas.⁴⁴ They will apply to Afghans who had permission to be in the UK before 1 September 2021 or had applied for a visa before that date and since travelled to the UK. Specifically:

- Certain document requirements, such as the need to have a current passport, will be waived. Applicants will still be expected to meet the other requirements, including the application fee.
- Restrictions on switching immigration category from within the UK will also be eased for Afghan nationals who arrived before 1 September. This concession will also apply to Afghans granted immigration permission as a visitor.

4.2 Asylum seekers and people without status

People can only claim asylum upon/after arrival in the UK and there is no visa category that explicitly allows for a person to come to the UK to claim asylum.

As of 30 June 2021, there were 3,064 Afghan asylum seekers in the UK awaiting an initial decision on their applications and a further 149 whose applications were ‘pending further review’.⁴⁵ This latter category includes applicants who have appealed an initial rejection but not does include those seeking judicial review after a rejected appeal.

⁴⁴ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021, paras 42-3

⁴⁵ Home Office, [Immigration statistics data tables, year ending June 2021](#), table Asy_D03

The Home Office withdrew most of its country policy guidance for Afghan asylum and human rights claims on 16 August and paused decision-making.⁴⁶

Updated guidance was published on 6 October.⁴⁷ The new guidance considers the security and humanitarian situation in Afghanistan, and the Home Office's approach to assessing claims based on a person's fear of persecution and/or serious harm because they have opposed or are perceived to have opposed or do not confirm with the views of the Taliban.

The guidance does not recommend that all Afghan asylum seekers be granted protection in the UK. The guidance on fear of the Taliban identifies several groups of Afghans likely to be at risk of persecution by the Taliban.⁴⁸ The categories listed are similar to those potentially eligible under the UK's evacuation, relocation and resettlement schemes.

It is likely that the guidance will be updated over the coming months as more information and new country guidance case law becomes available.

The Home Office's Afghanistan Resettlement and Immigration Policy Statement, published on 13 September, gave some guidance for refused Afghan asylum seekers and those living in the UK without an immigration status:

47. The government has suspended enforced returns to Afghanistan and there are currently no commercial flights operating to Afghanistan. Those who have previously been refused asylum, who believe their situation has changed, will need to make a further submission to have their case re-considered.

48. We encourage all nationals present but without permission to stay in the UK to contact the Home Office as soon as possible.

49. Whenever we can, we will continue seek to remove from the UK those who have committed serious crimes or who present a threat to national security. We will look to remove them as soon as we are able to do so.⁴⁹

Campaigners have called on the Government to grant all Afghans in the UK (including those previously refused asylum or without any permission to remain) permission to stay. They argue that there is currently no prospect of safely returning any person to Afghanistan and that the situation is unlikely to change soon.⁵⁰

⁴⁶ [PQ 41787 \[Asylum: Afghanistan\], 10 September 2021.](#)

⁴⁷ GOV.UK, [Afghanistan: country policy and information notes](#), 6 October 2021

⁴⁸ Home Office, CPIN, [Afghanistan: Fear of the Taliban](#), v1.0, October 2021, para 2.4.11

⁴⁹ Home Office, [Afghanistan resettlement and immigration policy statement](#), 13 September 2021

⁵⁰ See for example, the [August 2021 briefing](#) by the Joint Council for the Welfare of Immigrants and the [joint letter](#) by the Afghanistan and Central Asian Association and the Immigration Law Practitioners' Association (24 August 2021).

As discussed in section 2.1, the Government has said that Afghans who spontaneously arrive in the UK by irregular means will not be eligible for consideration under the new resettlement scheme for Afghan civilians.

Historic patterns of Afghan asylum claims in the UK

Between 2001 and the end of June 2021, there were around 50,000 asylum applications in the UK from Afghan nationals. Applications can involve more than one person, and these applications related to around 58,000 individuals.⁵¹

During the same period, 31,300 applications were successful and around 26,800 were refused and not successfully appealed. These figures are for main applicants only so do not represent the total number of people granted status.

The most asylum applications submitted by Afghan nationals was in 2001 (8,918). Afghans were the largest nationality group to submit applications in that year and were the second largest group in 2002, after Iraqis. The trends can be seen in a chart on [page 17 of the Library's Asylum statistics briefing](#).

The annual figures are shown in the table below, which also includes figures for resettlement since 2003. Since then, 354 Afghans have been resettled to the UK from third countries of asylum.

⁵¹ Home Office, [Immigration statistics data tables, year ending June 2021](#), table Asy_D03

Applications for asylum, grants of protection, and resettlement of Afghan nationals to the UK

Main applicants only

	In country asylum process				Refusals minus successful appeals	Resettled under resettlement schemes
	Applications	Grants on initial decision	Granted on appeal	Total grants		
2001	8,918	9,819	110	9,929	2,434	.
2002	7,204	4,879	230	5,109	3,603	.
2003	2,280	598	695	1,293	3,232	15
2004	1,397	451	325	776	2,178	7
2005	1,578	499	205	704	983	36
2006	2,398	805	135	940	1,417	1
2007	2,501	885	162	1,047	1,611	0
2008	3,503	988	153	1,141	1,317	2
2009	3,330	1,381	286	1,667	1,749	0
2010	1,596	762	319	1,081	1,282	0
2011	1,271	388	198	586	959	0
2012	1,008	288	174	462	539	3
2013	1,038	334	176	510	557	0
2014	1,139	328	172	500	694	0
2015	2,261	512	261	773	1,111	4
2016	2,329	603	400	1,003	1,131	3
2017	1,326	525	576	1,101	643	35
2018	1,349	546	415	961	603	40
2019	1,573	710	306	1,016	317	183
2020	1,336	355	99	454	380	16
2021 (to June)	651	205	59	264	61	9
Total since 2001	49,986	25,861	5,456	31,317	26,801	354

Sources: Home Office, [Immigration statistics data tables, year ending June 2021](#), tables Asy_D01, Asy_D02, and Asy_D07; Home Office, Asylum Statistics United Kingdom 2000 [Archived]; UNHCR, [Resettlement data](#), custom query [accessed 16 August 2021]

Notes: The in-country figures show main applicants only (i.e. they exclude dependents), while the resettlement figures include all individuals resettled.

5 What are other countries doing?

Media reports about action already taken or being proposed by other countries, and numbers of people affected, do not always differentiate between efforts to evacuate and repatriate Afghans and other nationals, the use of existing resettlement/relocation schemes, and new initiatives.

5.1 Relocation programmes for Afghan nationals employed by other countries

Some other countries who had a military presence in Afghanistan also established schemes to relocate locally engaged Afghan nationals (and their family members) who had worked for or been affiliated with them. UNHCR in Afghanistan is maintaining [a list of State-sponsored relocation programmes](#) on its website. The Library briefing [Resettlement scheme for locally employed civilians in Afghanistan](#) discusses the UK and US relocation schemes for locally engaged Afghan employees.⁵²

5.2 Resettlement/family reunion/humanitarian admission

The website of UNHCR in Afghanistan provides links to the details of various countries' [general family reunion programmes](#).

There have been calls for the international community (particularly states that had a military presence in Afghanistan over the past 20 years) to make a broader offer of resettlement to vulnerable Afghan civilians.⁵³ Action taken by the US and Canadian governments is set out below.

USA

On 2 August the [US Department of State announced](#) that certain Afghan nationals and their family members (spouse and children of any age, married or unmarried) would be given a Priority 2 designation enabling them to access to resettlement in the US via the [US Refugee Admissions Program](#). The move

⁵² CBP 9286

⁵³ Amnesty International, '[Afghanistan: International community must act decisively to avert further tragedy](#)', 16 August 2021

was intended to benefit “many thousands” of Afghans and their immediate family members who may be at risk due to their US affiliation but are not eligible for the Special Immigrant Visa already in place for locally employed civilians. Specifically:

Individuals Eligible for the P-2 Program:

- Afghans who do not meet the minimum time-in-service for a SIV but who work or worked as employees of contractors, [1] locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan (USFOR-A), International Security Assistance Force (ISAF), or Resolute Support;
- Afghans who work or worked for a U.S. government-funded program or project in Afghanistan supported through a U.S. government grant or cooperative agreement;
- Afghans who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization.⁵⁴

Furthermore, a person who is ineligible for the P-2 program may be eligible for resettlement in the US under the Priority 1 strand (that is, as an individual case referred by designated entities because of their circumstances and an apparent need for resettlement).⁵⁵

Canada

On 13 August the Canadian government announced plans to resettle up to 20,000 vulnerable Afghan nationals in Canada over an unspecified timeframe.⁵⁶ This will be delivered through [two different schemes](#):

- A special immigration program for Afghan nationals and their families who assisted the Canadian government (this was already operational prior to the announcement)
- A new special humanitarian program to resettle Afghans who are outside of Afghanistan and do not have a durable solution in a third country. The program will have a focus on women leaders, human rights advocates, LGBTI individuals, journalists and people who assisted Canadian

⁵⁴ US Department of State, Fact sheet, [US Refugee Admissions Program Priority 2 Designation for Afghan Nationals](#), 2 August 2021

⁵⁵ There is also a Priority 3 category, which caters for individuals eligible for family reunion with relatives already in the United States.

⁵⁶ Government of Canada, [‘Canada expands resettlement program to bring more Afghans to safety’](#), 13 August 2021

journalists, immediate family members of the above, and extended family members of previously resettled interpreters.

Canada is also implementing special measures for Afghan nationals currently in Canada. It is prioritising the processing of family visa applications for immediate family members in Afghanistan or overseas sponsored by Canadian citizens or permanent residents, and giving Afghan nationals with temporary resident status as a worker, student or visitor the opportunity to apply for visa extensions.

European Union

The European Commission has announced an [Afghan support package](#), amounting to around €1 billion. As part of this, the European Commission has said that it will provide funding and operational assistance to Member States who decide to host Afghans at risk. Options for the EU and Member States to provide safe and legal pathways for Afghan nationals most at risk were discussed at a [High-level Resettlement Forum](#) on 7 October.

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