

'Safe asylum routes for Afghan Refugees'

Westminster Hall Debate on 17th October 2023

Summary

Two years since Kabul fell to the Taliban, and the Government is still failing to honour its commitments to help Afghans reach safety. Through our legal work, we have observed first-hand that **the current schemes are too slow and too restrictive**.¹ Despite Government promises, many at-risk Afghans have no way to reach safety in the UK, and families who were separated in the evacuation still have no way to reunite with their children and loved ones.

Without functioning safe routes, more and more eligible Afghans have been left with no choice but to risk dangerous journeys to reach safety in the UK. To the end of August this year **4,080 Afghans crossed the Channel**.² **This is compared to just 69 Afghans crossing the Channel in the whole of 2019**.³ **Currently, around 1 in 5 of all people crossing the Channel are from Afghanistan**.⁴ To urgently prevent further loss of life and to honour these commitments, the Government must act now to provide safe routes and offer welcome and compassion to Afghans in need of safety.

Our recommendations

1. Fix the existing Afghan schemes:

- Urgently address the large backlog and lengthy delays by scaling up the numbers of Government case workers processing ARAP applications and commit to timeframes for decision-making.
- Clarify plans for the future of ACRS pathway 3 and make a firm commitment to broadening its eligibility, to fulfil the original purpose of the scheme.

2. Fix Family Reunion:

- Urgently deliver on the promise to implement a family reunion mechanism for Afghans resettled under Pathway 1 of the ACRS.
- Review the Unsafe Journeys policy and decision-making process, for people required to make dangerous journeys to Visa Application Centres (VAC) outside Afghanistan, to ensure that it is more accessible and families aren't required to meet unreasonable standards.

3. Offer welcome and compassion to those forced to seek sanctuary:

- Scrap the regressive policies punishing Afghan refugees who arrive irregularly, starting with the Illegal Migration Act.

¹ See for further detail and recommendations: [Afghan Pro Bono Initiative \(Sept, 2023\) 'Two years of empty promises: the UK leaves Afghans stranded and at risk'](#)

² Home Office datasets: [Statistics relating to the Illegal Migration Act data tables](#)

³ Home Office datasets: [Irregular Migration to the UK data tables](#)

⁴ [Refugee Council: Asylum facts](#)

Government promises:

Afghan Relocations and Assistance Policy (ARAP):⁵ Launched in April 2021 to offer safe passage to those who worked for the British government and are now at-risk.

Afghan Citizens Resettlement Scheme (ACRS):⁶ Launched in January 2022 for those who promoted democratic values (i.e women's rights), as well as vulnerable groups (i.e at-risk women and girls, and religious minority groups). There are 3 pathways:

- **Pathway 1:** Those evacuated or called forward during the evacuation.
- **Pathway 2:** UNHCR referred refugees who have fled Afghanistan.
- **Pathway 3:** Initially for at-risk British Council contractors, GardaWorld contractors, Chevening alumni, and then for wider vulnerable groups.

1. Fix the existing Afghan schemes

Afghan Relocations and Assistance Policy (ARAP): Too slow

It is an understatement to say that eligible Afghans and their families are not being processed fast enough. **Just 73 Afghans have come to the UK under ARAP this year**⁷ and the vast majority of cases are extremely delayed. **In our legal work, some urgent cases have been left waiting for an initial decision for over two years.** These are Afghans who have risked their lives through their work with the British Government and cannot wait a day longer to reach safety.

Delays in processing applications appear to be driven by a lack of sufficient resourcing of ARAP caseworkers. A Freedom of information request carried out by The Afghan Pro Bono Initiative (APBI) shows that, as **of January 2023, only 36 individuals are involved in processing ARAP casework on a 'full time' basis, plus around 100 other staff.** This low number of caseworkers sits in stark contrast with the reported 540 government staff working on processing applications for the Homes for Ukraine scheme.⁸ APBI's research also shows that only **five positive decisions had been made under Category 1 of the ARAP scheme since January this year.** This is the category for people at high and imminent risk who urgently need to be brought to safety.

Firash worked with UK forces on the frontline in Afghanistan for several years. Since the fall of Kabul, he has been receiving direct threats from the Taliban, and his family were forced to flee to a neighbouring country.*

It has been over 2 years, and Firash is still waiting for an initial decision on his ARAP application, despite regularly contacting the Ministry of Defence with documentation and requests for expedition. With no assurance if he will ever reach safety in the UK, Firash fears for his family's future.

- **Question to the Minister:** Considering Homes for Ukraine has considerably more caseworkers than the ARAP scheme, what efforts is the Minister making to increase the number of caseworkers working on the ARAP scheme and to fix the urgent problem of slow processing?

⁵ [Afghan Relocation and Assistance Policy: Information and Guidance](#)

⁶ [Afghan Citizens Resettlement Scheme: Guidance](#)

⁷ [Asylum applications, initial decisions and resettlement detailed datasets, year ending June 2023](#)

⁸ [Hansard 'British Council Contractors: Afghanistan. Volume 724: debated on Monday 12 December 2022'](#)

Afghan Citizens Resettlement Scheme (ACRS): Too limited

Despite initially committing to offering 20,000 places over several years, the Government quickly introduced restrictive annual caps which have greatly limited the impact of ACRS. The launch of ACRS in January 2022 began with placing those who had already been evacuated in August 2021, under pathway 1 of the scheme. Since then, the number of newly resettled Afghans has fallen drastically short of the limited quotas set for the first year:

- Pathway 2: 2000 places were promised, but only 66 people have been resettled
- Pathway 3: 1500 places were promised, but only 41 people have been resettled⁹

It is now nearly two years since the scheme was launched and only 107 people in total have been newly resettled in the UK under ACRS.¹⁰

In June 2022, pathway 3 of ACRS was launched. The Government committed to prioritising certain groups in the first year, including British Council, Garda World contractors, Chevening alumni, and their immediate family members. Despite Government promises to extend the eligibility of this pathway to wider vulnerable groups in the second year (i.e. LGBTQ individuals and religious minorities), these groups and their families still have no way to come to the UK safely.

Zahra is a young woman who worked with international organisations promoting women's rights before the fall of Kabul. She is now under serious threat from the Taliban and fears for the life of her and her daughter, who can no longer go to school. She is desperate to get her family to safety, but there is no way for her to access a safe route, as she is unable to meet the very narrow ACRS criteria.*

- **Questions to the Minister:** When will the Minister make a firm commitment to broadening the scope of pathway 3 and publish plans for the next stage?

2. Fix Family Reunion

Urgently reunite families separated during the evacuation in 2021

As Afghans were evacuated to safety in the UK in August 2021, many families were separated. Evacuees, subsequently resettled under ACRS pathway 1, were promised that their family members would also be resettled under the scheme.¹¹ **Two years on, and evacuees still have no way to bring their family to safety.** In April 2022, the Home Office stated that 'further information would be made available soon'.¹² **Now, more than two years since arriving in the UK, Afghan evacuees are still waiting for this promised "further information".**

Afghans on pathway 1 have been granted Indefinite Leave to Remain (ILR) but not given refugee or humanitarian protection status. **This means that they cannot access Refugee Family Reunion,** and those applying under this route risk having their applications rejected as 'invalid'. They are, therefore, wholly reliant on the Government to fulfil its commitment to implement a new mechanism to reunite them with

⁹ Places promised: [Hansard. Afghan Citizens Resettlement Scheme: Launch Pathways 2 and 3. Volume 716: 13 June 2022.](#) Numbers resettled: [Asylum applications, initial decisions and resettlement detailed datasets, year ending June 2023](#)

¹⁰ All **newly resettled** Afghans come under pathway 2 and pathway 3. ACRS Pathway 1 is for those evacuated or called forward during the emergency evacuation in August 2021.

¹¹ The initial ACRS guidance: 'A spouse/ partner and dependent children under the age of 18 of eligible individuals will be resettled under the scheme. Additional family may be resettled in exceptional circumstances'.

¹² [Next steps in the UK: Immigration information for people evacuated from Afghanistan](#)

their family members. **Delays have already gone on for far too long, leaving Afghans in the UK in a state of constant worry for the safety of their loved ones.**

- **Question to the Minister:** When will the Minister publish further information (as promised since April last year) so that Afghans resettled under ACRS pathway 1 can bring their loved ones to safety?

Rashid's four young nieces and nephews (youngest aged 7) haven't seen their parents for two years. Their mother was unwell during the evacuation so she asked Rashid to take them to safety, not knowing that it would be impossible for her to follow them.*

Since August 2021, they have been living in temporary accommodation in the UK without being able to hug or hold their parents, which has been unbearable, taking a huge toll on their mental health. The government promised that there would be a way reunite, but there still is no safe route.

Make sure the application process is safe

Since the closure of the Visa Application Centre in Kabul, many Afghans, including many women and unaccompanied children, have had to take a **dangerous journey across borders to submit biometric data** as part of their family reunion application.

The Government recently introduced its 'Unsafe Journeys' policy, which aims to address these risks. Whilst we welcome this new guidance, we are concerned that this policy is failing to fulfil its purpose **as there is an unreasonably high standard of proof, which is very difficult - if not impossible - for most families to meet.** For example, an unaccompanied child with serious medical issues traveling alone to a neighbouring country is not considered 'serious and compelling' or 'unsafe' enough to be eligible for exemption under this policy's standards.

Through our work we know that too high a burden is being placed on Afghans to demonstrate it is unsafe for them to submit biometrics. Until this policy is made accessible, the majority of at-risk families will have no choice but to risk needless, dangerous journeys to make their application and be reunited with loved ones.

- **Question to the Minister:** Will the Minister agree to review the Unsafe Journeys Policy to ensure that it's fulfilling its original purpose and being implemented in respect of Afghan people in a way that is realistic and achieves the aim of preventing dangerous journeys?

Ajmal is 13* years old, is without family in Afghanistan and wishes to reunite with his brother who has refugee status in the UK. He suffers from serious medical issues, after being detained and tortured, and his mental health is deteriorating. Unable to reach a VAC as part of his family reunion application, he applied to be exempt or receive a decision before travel but was unable to meet the exceedingly high standard of proof. Ajmal* is now likely to risk a long and dangerous journey to make his application, with the hope of one day reaching his brother.*

3. Offer welcome and compassion

The number of Afghans crossing the Channel has been rising year on year since the Taliban takeover. Without accessible and functioning safe routes, we fear more refugees from Afghanistan will be forced to risk these journeys to safety and family.

Under the Illegal Migration Act, thousands of Afghans, who were promised safe routes but have been forced to risk a dangerous one, will effectively be 'banned' from accessing the asylum system and will be cruelly detained, indefinitely, upon arrival. In 2021, the Government promised Afghans 'Operation Warm Welcome'. It is hard to imagine how such a promise could be more roundly broken.

- **Question to the Minister:** Considering the Government's promise to deliver a warm welcome to Afghans fleeing danger, will the Minister give urgent consideration as to how the Illegal Migration Act will impact Afghan refugees who are seeking protection in the UK but have not been able to access a safe route?

About us

At Safe Passage International, we help refugees access safe routes to asylum. We champion refugees' right to safe passage through strategic legal work, campaigning, and advocacy.

Safe Passage International and Refugee Legal Support (RLS), in collaboration with 14 leading law firms, run the Afghan Pro Bono Initiative (APBI) which offers pro bono legal representation to Afghan refugees. The service provides legal advice and support with family reunion, the ARAP scheme, as well as providing information on the ACRS scheme.

The Refugee Council is the largest organisation devoted to supporting refugees and people seeking asylum in the UK. We provide a broad range of services to both children and adults, including an established and comprehensive service that supports refugees who have been resettled to the UK.

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