

The situation in Afghanistan and refugee policy

About the Refugee Council

The Refugee Council is the leading charity devoted to supporting refugees and people seeking asylum in the UK. It was founded 70 years ago in the wake of the 1951 Refugee Convention. We provide a range of services to adults and children across England, seeking to ensure that they are supported throughout the process of claiming asylum, and are given the best integration support once they are recognised as refugees.

Over many decades we have worked with thousands of refugees and people seeking asylum who have been fleeing war and persecution in Afghanistan, and we are currently one of several agencies supporting Afghan interpreters to the British military to be relocated in the UK.

Executive summary

1. The withdrawal of military support by western allies to the Government of Afghanistan, and the subsequent seizure of power by the Taliban, has exacerbated the refugee crisis in the region, which has seen significant numbers of people displaced, with more certain to flee in the short and medium-term. Reports coming out of the country describe wide-scale atrocities, including attacks on women, torture, and forced marriage. The UK must fulfil its humanitarian responsibilities by offering protection to those fleeing the Taliban.
2. The UK Government should commit to an emergency refugee resettlement programme for those fleeing persecution in Afghanistan, with long-term integration support as was provided by the Syrian-focused Vulnerable Person's Resettlement Scheme.¹ This commitment must be meaningful and on a large scale, and should not come instead of, or at the expense of, resettling refugees from other conflict areas across the world. By committing to resettling 10,000 refugees a year on an ongoing basis, the Government can meet its obligations to the Afghan people and support refugees fleeing persecution in other nations.
3. Since April, the ARAP relocation scheme has been in place to move Afghan staff to the UK who worked locally for Her Majesty's Government (known informally as the Afghan interpreters scheme). This group are in particular danger, but access to this scheme is limited, and has left many people who have supported HMG ineligible. The terms of this scheme must be urgently reviewed to ensure those who need it are able to access it.
4. Many people fleeing Afghanistan, and those who have been in danger after the takeover by the Taliban, have relatives who are already refugees in the UK, but are unable to join them because of restrictive rules around refugee family reunion. The Home Office should change these rules to expand refugee family reunion, and ensure that people are able to join loved ones in the UK via this safe and legal route.

¹ <https://www.refugeecouncil.org.uk/projects/syrian-resettlement-programme-vprs/>

5. The future on the ground in Afghanistan is chaotic, and uncertain. Recognising this, the UK Government should suspend all removal flights to Afghanistan, as has already happened in a number of other countries. It should recognise that those with refused asylum claims may now need to make fresh claim in light of the changing political situation in the country.
6. Afghans who are already in the UK's asylum system must not see their asylum claims delayed, and the protection needs of people should be reviewed and decided upon in as timely a manner as possible. Before asylum appeals are heard in court, reviews should be taken to see if the claim can be granted in light of the political situation.

Introduction

A new refugee crisis that has been emerging in recent months is reaching its peak with the final withdrawal of western troops in Afghanistan, and the UK must now make new commitments to protect people fleeing persecution and torture under the Taliban.

Over the summer, up to 30,000 people have been fleeing Afghanistan each week as Taliban violence has increased and reached into more and more parts of the country. Many hundreds of thousands have been internally displaced, with UNHCR reporting that 120,000 have fled from rural areas to Kabul province alone.²

As the Taliban takes control of Kabul, and the entire country, many more will now seek safety outside of the borders of their country. Many people will need to flee with no prospect of obtaining a visa, and for those who do cross the border, their options are limited.

Since July, Afghanistan's eastern neighbour Pakistan has said that it cannot host any more refugees. It currently hosts about 3 million refugees from Afghanistan, half of whom are unregistered. To the West, Iran hosts about 780,000 registered Afghan refugees, and 2-2.5 million unregistered people. However, in 2020, the UN Refugee Agency was only able to resettle 7 to the UK from Iran.³

Some refugees will seek to make the long journey all the way to the UK – because of family and cultural connections, or because they believe they can find safety here. The UK must not turn its back on them, and must recognise that their claims for protection are legitimate, regardless of how they have arrived here.

At the same, the UK must seek to make as many safe and legal routes available for Afghan refugees to find safety. UNHCR has identified that 80% of the 250,000 people forced to flee since the end of May are women and children. More safe routes will ensure they do not have to enter into the arms of smugglers in order to find safety.

Afghanistan and refugee resettlement

In recent decades, the UK has resettled relatively few Afghan refugees. Its target of resettling 20,000 people by 2020 under the Vulnerable Person's Resettlement Scheme was focused on those fleeing war in Syria, and its Gateway Resettlement Scheme, established in 2004, only resettled 750 people each year, from a range of different countries.

Refugee resettlement, undertaken via a process overseen by the UN Refugee Agency (UNHCR), is a vital safe and legal route, that aims to resettle the world's most vulnerable refugees, based on a range of selection criteria. Earlier this year the UK launched its UK resettlement scheme, aiming to consolidate Gateway and VPRS, and to resettle refugees from nations across the world.

² <https://www.unhcr.org/uk/news/briefing/2021/8/611617c55/unhcr-warns-afghanistans-conflict-taking-heaviest-toll-displaced-women.html>

³ https://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Iran%20Operational%20Update_Nov_Dec2020.pdf

For the first time in since the early 2000s, the UK has no target for the numbers it will resettle each year. This is worrying because it means there is no way of holding the policy to account, and nothing to push policy to aim for.

As a result of this, the Government's ambitions have dropped; while it had been resettling around 5,000 refugees each year, from 2015 until the start of the pandemic, its aim for this year is to resettle approximately 3,000 people, a 40% drop.

In addition to the 3,000 refugee resettlement places already planned across the rest of this financial year, the UK Government must now commit to resettle large numbers from Afghanistan, in response to the huge protection needs that have emerged with the Taliban taking power. The Government should now commit to an ambitious target of resettling 10,000 refugees each year, with its support for resettled Afghan refugees part of that target.

Relocation of locally employed staff of Her Majesty's Government

Local Afghans who have worked for the UK locally are particularly vulnerable to persecution; indeed, reports have stated that many have already been murdered in recent weeks as Taliban forces take control of the country.

The Ministry of Defence recognised this with the introduction of the Afghan Relocation and Assistance Policy (ARAP) in April, and this was then reviewed and expedited from June, meaning anyone facing a threat to their life could relocate, regardless of employment status, length of time served, or role.⁴

Despite this, we know that many family members remain in Afghanistan, and in danger because of the work of their spouse or relative. A large number of people who were dismissed by Her Majesty's Government for a range of reasons, also remain ineligible, even though they are still targets for the Taliban. Some who worked for third-party contractors may also be struggling to be relocated.

Government must amend the ARAP scheme to allow:

- i) Visas for family of people who would have been eligible under the existing relocation scheme but are now dead
- ii) Visas for people, who have had, or will have, to flee Afghanistan but would be eligible under that scheme if they remained in the country
- iii) Expansion of the limited concept of family (partners and minor children) under that scheme
- iv) Flexibility in eligibility to reflect the changing situation on the ground, with guidance to reflect that.

Family reunion routes

Many people in danger in Afghanistan have family members who have permanently settled in the UK, but are unable to be reunited with them. Refugee family reunion is a safe and legal route that allows refugees in the UK to bring their closest relatives – their spouses, and children under the age of 18. About 80% of those who currently come to the UK under refugee family reunion are women and children.

However, these rules are limited and restrictive. Afghan refugees in the UK may have adult children, or siblings, or elderly parents, that they are desperate to reunite with, but are prevented from doing so. Furthermore, refugees who come to the UK alone as children are unable to bring any relatives to join them and many will be constantly worrying about their safety of family members.

⁴ <https://www.gov.uk/government/news/plans-to-bring-vulnerable-afghan-interpreters-to-the-uk-accelerated>

Even the limited opportunities for family reunion that do currently exist will be restricted through Government plans in the Nationality and Borders Bill, and this must change in order to maintain this safe route.

As part of ensuring that there are as many safe and legal routes for people to escape danger, and in the interests of family unity and better integration outcomes, the Home Office must urgently review its refugee family reunion rules, with the aim to reform them so that refugees can bring siblings, parents, and adult children up to the age of 25 to the UK.

Removal flights to Afghanistan

For some time, UK Government policy has been that Afghanistan is a safe country in which to return people who do not have leave to remain in the UK, including refused asylum seekers.

That position is no longer tenable and the country guidance for Afghanistan must be immediately updated to recognise the changes on the ground. For example, while the Taliban have this week taken control of Kabul, UK guidance still states that it is 'in general' safe to return Afghans to the capital.

Instead, the UK must immediately suspend all removal flights to Afghanistan, as has already happened in a number of countries including Sweden and Finland.⁵

Afghan asylum claims in the UK

Afghans who are already in the UK's asylum system must not see their asylum claims delayed as a result of changes in the country. Indeed, the Home Office should seek to resolve claims from Afghans as quickly as possible.

Where someone has previously been refused asylum and is appealing that decision, their initial claim should be reviewed to assess whether the change in political situation means that a grant of asylum can now be made, without going through the appeals process, taking up court time and expense, and causing unnecessary stress for individuals.

For any further information, please contact:

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⁵ <https://www.refworld.org/pdfid/611a4c5c4.pdf>