



AFGHAN CITIZENS' RESETTLEMENT SCHEME: FACT-SHEET

The UK government has announced they intend to resettle up to 20,000 refugees from Afghanistan, starting with 5,000 in the next year. The scheme is still being planned and not many details have been announced. This fact-sheet explains what we know so far. Most importantly, you should know that you will not need to be in Afghanistan to benefit from this resettlement scheme. Indeed it may be impossible to come to the UK from Afghanistan unless the UK government makes an agreement with the Taliban to allow evacuation of refugees, which is unlikely. If you are at danger and can leave Afghanistan, you should do so as soon as possible.

What is the resettlement scheme?

Ordinarily it can be difficult for refugees to come to the UK. Many are unable to come to the UK legally and are forced to resort to dangerous routes using people traffickers. The Afghan Citizens' Resettlement Scheme is intended to give refugees from Afghanistan a visa to come to the UK, where they will be granted asylum.

Who will the scheme be open to?

The Scheme is at an early stage and details are still vague. We do not know exactly who will be able to come to the UK under the scheme.

However, the UK government has announced some details. The UK government has said that Resettlement Scheme is for "*Afghan nationals most in need who have been forced to flee Afghanistan*". The government considers that women, girls and children (amongst others) are particularly vulnerable.

The government has stated it still believes refugees should claim asylum at the first safe country they come to. They have said the scheme "*will be for those in the region who are in need of assistance*". So it may be that if you are able to leave Afghanistan and reach a country the government considers safe, for example France, you will not be able to resettle in the UK using the Resettlement Scheme. But if you are only able to reach a neighbouring country in the same region as Afghanistan such as Pakistan you may qualify for the Resettlement Scheme.



The scheme will not be open to people who are excluded from refugee protection. These means people who have committed serious crimes or otherwise are dangerous to the security of the UK. If you have past links to the Taliban you may not be able to rely on the scheme, even if you are now at risk from the Taliban. This may not apply if you acted under duress, because the Taliban threatened you with violence if you did not cooperate with them.

Will the UK take any refugees from Afghanistan outside the Resettlement Scheme?

The UK government must consider granting asylum to anyone who applies from inside the UK, however they came to the UK, if the alternative is returning them to a country where they would face persecution. However, they do not have to let refugees into the UK unless they meet the requirements of the Resettlement Scheme or otherwise hold permission to enter the UK.

A new law proposed by the government (the 'Nationality and Borders Bill') will make it a crime to come to the UK without already having permission. If you come to the UK without permission and claim asylum, the government should still consider your application. But you may also be charged with this new crime. The law has not yet been passed and we do not know if it will be enforced against refugees. If it is, there may be legal challenges which limit its scope. But you should be aware there is a chance the government will prosecute you if you enter the UK without permission, even if you do so to claim asylum.

When will the scheme start?

We do not know yet. The scheme is currently closed and is not taking applications. The government said it is working to start the scheme as quickly as possible. When the scheme opens, details will be put on the Gov.uk website and it is likely that more information will be available [on this page](#).

What about my family?

If your family are also at risk, they may qualify to make their own applications under the Resettlement Scheme.

The Resettlement Scheme might specifically address family members. It may be possible to apply to bring your family with you to the UK at the same time you make your own application for resettlement. We do not know yet how the Scheme will deal with family members. However, the UK has a general Family Reunion policy which lets refugees' family members join them in the UK. This



should be available regardless of what the Resettlement Scheme says about family members. You can find more information in our factsheet on Family Reunion.

Disclaimer: this note is not intended as legal advice and should not be relied upon as such. UK immigration law is complex and you may need to seek legal assistance. This factsheet does not represent the views or opinions of Garden Court Chambers or its members. The situation considered above may change at short-notice and this note will not necessarily be updated to reflect further changes. This factsheet was prepared in August 2021. Subscribe to afghaninformation@googlegroups.com for more up-to-date developments.