

Submission from the Work Rights Centre on the Statement of Changes in Immigration Rules (HC 997) and Response from the Home Office

Introduction

1. Work Rights Centre is a registered charity dedicated to supporting migrants to access employment justice and improve their social mobility. We do this by providing free and confidential employment and immigration legal advice, and general employability support, and by mobilising frontline intelligence to address the systemic causes of migrants' inequality. The charity was founded in 2016. Ever since, we have advised over 6,000 people, and helped recover over £500,000 in unpaid wages and fees, and supported hundreds more to make job applications and secure their immigration status. Our frontline service consists of two multilingual teams of advisers who operate in London (5 days a week) and Manchester (on Saturdays). Together, the advice team assist an average of 20 beneficiaries a week, with issues which range from non-payment, insecure immigration status, and career advice.
2. We ask that the Secondary Legislation Scrutiny Committee draw the Statement of Changes to the Immigration Rules: HC 997, published on 1 July 2025, to the special attention of the House, on the following bases:
 - a. that the statutory instrument is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
 - b. that it may imperfectly achieve its policy objectives; and
 - c. explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's likely impact.

Background

3. The Statement of Changes HC 997 contains a number of changes to the Immigration Rules across different visa routes. The two core changes envisaged are to:
 - a. the Skilled Worker visa and other work routes, as set out in the government's immigration white paper published on 12 March 2025; and
 - b. the closure of the Afghan Relocations and Assistance Policy (ARAP) to new principal applications.

There are other minor changes being made.

4. For the purpose of this submission, we focus specifically on the changes to (a) above.
5. Within this, we focus on the following reforms:
 - a. Lifting the skills threshold for the Skilled Worker visa route to the Regulated Qualifications Framework (RQF) level 6, and similarly updating the going salary rates for eligible occupations;
 - b. The introduction of the Temporary Shortage List, envisaged as a long-term replacement to the current Immigration Salary List; and
 - c. The closure of entry clearance applications for Skilled Workers sponsored in occupation codes 6135 (Care workers and home carers) and 6136 (Senior care workers), effectively bringing about an end to overseas recruitment in social care.

The statutory instrument is politically or legally important or gives rise to issues of public policy likely to be of interest to the House

Lifting the skills threshold for Skilled Worker visas and updating the salary thresholds for eligible occupations

6. Though much of our submission is focused on other changes to the immigration rules, it is worth noting that increases to salary and skills thresholds may have unintended impacts. For example, many individuals on Graduate visas who have invested significant sums to study in the UK may be hindered in making the transition to graduate employment, particularly as the new entrant salary rates have increased to £33,400, a figure which may be implausible outside of London and the South East of England. Similarly, the changes could further entrench the divide between London and the South East of England as compared with the rest of the UK, given salary disparities across the country.¹
7. Though the Explanatory Memorandum notes that transitional arrangements will mean that those already in the Skilled Worker route will be exempted from the increase to the skills threshold, it also notes that these arrangements will “not be in place indefinitely and will be reviewed in due course”. The government must urgently provide clarity on their plans in this area, otherwise there is a risk that a substantial cohort of workers already on the Skilled Worker route are unable to continue their stay in the UK through no fault of their own.

Introduction of the Temporary Shortage List

8. The introduction of the Temporary Shortage List, and the current lack of clarity around key aspects of its operationalisation, gives rise to a number of issues that will be of interest to the House.
9. The Explanatory Memorandum notes that roles on the Temporary Shortage List are intended to be “time-limited” and “conditional”. Occupations on the list currently have removal dates set for 2026 (with the exception of adult social care), while the government has said it reserves the right to bring these dates forward if compliance issues present on the list. The government must urgently clarify that individuals sponsored on Temporary Shortage List roles before the relevant cut-off date will be eligible to continue their lawful stay in the UK beyond this date, including the ability to make extension and settlement applications – there must not be a “cliff-edge” situation where people become at risk of losing their status. This is particularly important in the context of the government potentially bringing forward cut off dates for certain occupations – the government must clarify what planning and consultation activities will take place with both workers and affected sectors to ensure that they are not blindsided by abrupt changes to the immigration rules. The government must learn from previous experiences of introducing new immigration rules without sufficient consultation, particularly in the adult social care sector, which have created uncertainty and confusion for workers and businesses alike.²
10. Without clarification that sponsorship on Temporary Shortage List roles will not amount to being sponsored on a short term visa (akin to the Seasonal Worker visa, for example), there are serious exploitation concerns to consider. Short-term visa routes can make it harder for workers to report and take action against employers who breach their rights. Previous research into time-limited visas has shown that their short-term nature disincentivises workers from speaking out about exploitation, as they hope to maximise their earnings in the little time they have in the UK.³ Reporting non-compliance and potentially taking legal action is also a time-consuming process. Even if workers decide to progress legal claims from outside the UK, there are procedural barriers that can weaken their ability to substantiate their claims (e.g. the requirement for countries, at a diplomatic level, to positively approve giving evidence to a UK court or tribunal from overseas).⁴ Short-term visas therefore inhibit migrant workers’ practical enjoyment of employment rights, which the new Temporary Shortage List must not perpetuate.

11. In addition, we are concerned by the prospect that individuals sponsored on Temporary Shortage List roles will not be able to be accompanied by dependant family members in the UK. Notably, the Explanatory Memorandum explains that this exclusion will not apply to individuals working in occupations at RQF level 6 or above, nor will it apply to those working in occupations at RQF level 3-5 who are already in the Skilled Worker route and able to bring dependants before the changes come into effect. This amounts to an arbitrary exclusion of workers from the enjoyment of family life in the UK and perversely implies that the benefits of having a family unit in the UK is a privilege only reserved for a 'deserving' cohort of workers.

12. The Home Office's own evaluation of the Skilled Worker route, published on 12 May 2025, suggests this change will backfire. Aside from finding that 71% of dependant partners were in work, thereby contributing to the government's own economic growth agenda, the report also notes:⁵

"In qualitative interviews, visa holders with dependants said being able to bring their children had been a key motivator for using the Skilled Worker visa. Many called it a 'dealbreaker', and felt certain they would not have come to the UK if their family could not join them."

13. There is also an exploitation risk with this change. Our previous research and engagement with migrant social care workers affected by a similar ban on dependants suggests that banning workers from having access to family members in the UK increases costs of living pressures and financially disincentivises people from reporting exploitation (as the income of a partner is one of the only lifelines that migrant workers otherwise have to support themselves when exiting an exploitative workplace).⁶ As a result, workers are more likely to acquiesce to exploitative conditions in the workplace and less likely to report grievances. The government must reconsider this change.

End to overseas recruitment in social care

14. The closure of entry clearance applications for Skilled Workers sponsored in care worker, home carer and senior care worker roles is politically important given the anticipated impact on the care sector and existing workforce shortages it is facing.

15. Numerous stakeholders have expressed concerns over the government's proposed plans in this area:

- a. The Homecare Association have stated the changes risk creating “extreme workforce shortages” and consequent harm to older and disabled people;⁷
- b. The National Care Forum have called the changes a “short-sighted” decision;⁸
- c. Care England has called the changes a “crushing blow to an already fragile sector”;⁹
- d. The Association of Directors of Adult Social Services (ADASS) has warned that the policy risks creating a “triple whammy” of greater reliance on costly agency staff, greater levels of unmet care need and more people giving up work to look after loved-ones;¹⁰
- e. UNISON have remarked that the recruitment of staff from overseas has been the only reason that the care system has been prevented from “falling over” in the past few years;¹¹
- f. The Public Accounts Committee, in their recent report on the Skilled Worker visa route, remarked that they were “concerned about the potential impacts of this decision for the sector, which expects demands for social care roles to increase over the next 10 years.”¹²

16. The end of overseas recruitment in social care could have long-lasting, damaging effects on the UK’s care system, at a significant cost to both the economy and public health. The changes are even more concerning because the government’s plan to boost workforce numbers in social care in lieu of new overseas recruitment is questionable at best. The Home Office’s press release on this change focuses on two measures that are outlined to plug the gap in recruitment – the Department for Health and Social Care’s rematching scheme for the some 40,000 displaced migrant care workers already located in England, and the government’s commitment to establish fair pay agreements in social care through its wider plans on employment law reform.¹³

17. Firstly, the government’s rematching scheme for displaced migrant workers already in England is not working effectively in redeploying workers to new ethical employment in the social care sector. Our major research report evaluating the scheme (due to be published shortly after this submission), using data obtained from Freedom of Information (FOI) requests, a survey with workers, and 25 interviews with workers and service providers (across seven regional hubs) found that:

- a. Less than 4% of workers identified by the Home Office as needing support were reported to have found a new sponsor through the scheme by 30 April 2025. FOI data from the Home Office shows that between 1 May 2024 and 30 April 2025, a total of 28,492 displaced care and senior care workers were emailed by UKVI and directed to contact their regional hub for support.¹⁴ As of 30 April

2025, the regional hubs had successfully rematched a total of just 941 care workers with a new sponsor, according to FOI data from DHSC.¹⁵ If we express this as a proportion of the total number of workers displaced and contacted by UKVI up to 31 March (27,611),ⁱ this amounts to an approximate rematching rate of just 3.4%.

- b. Many workers did not contact their local regional hubs for rematching, for reasons that ranged from lack of awareness to lack of trust and concerns about data sharing.
- c. Yet even when they did, overwhelmingly workers struggled to find another sponsor:
 - i. Stakeholders reflected on a general mismatch between employers' requirements for a cheap and flexible workforce, and visa criteria that were seen to have made sponsorship increasingly costly and compliance heavy.
 - ii. A second mismatch was between employers' requirements for a UK driving licence and car, which are critical in domiciliary settings, and the possibilities of workers who, in the most part, were not able to meet these criteria.
 - iii. For a significant minority of people, these structural barriers were compounded by language difficulties, financial constraints that made it difficult to pay for another visa, and even the ability to secure a reference from past employers.
- d. In summary, however hard the regional hubs may have tried thus far to connect workers and employers, there has been a fundamental mismatch between the needs of employers, the possibilities of workers, and the inflexibility of the Health and Care Worker visa.

18. The rematching scheme is therefore a "sticking plaster" on a much wider issue of care worker immobility and exploitation within the immigration. In any case, even at maximum efficiency, the scheme would only serve to fill but a fraction of the roles required in social care (Skills for Care data places this figure at 131,000 in England in 2023/24).¹⁶

19. Secondly, measures to improve domestic recruitment will not be immediately forthcoming and are not guaranteed. The government's roadmap for the implementation of the Employment Rights Bill confirms that it will only look to bring forward regulations to establish the Fair Pay

ⁱ We used 31 March 2025 as the cutoff date for the number of workers emailed by UKVI, in recognition that it takes time for the hubs to contact and place workers into a new role. Hubs would have had at least one month to place these workers into sponsored roles.

Agreement Adult Social Care Negotiating Body in October 2026.¹⁷ It will then take some time beyond this to actually negotiate and implement an agreement for the sector that boosts pay and conditions, such that it could potentially incentivise more new entrants from the domestic workforce. Similarly, Baroness Louise Casey's work on an independent commission into adult social care, which will help inform the government's proposed plans on a National Care Service, is not due to produce a final report with long-term recommendations until 2028.¹⁸ It is also worth noting in the interim that some care sector stakeholders have expressed disappointment at the funding allocated for social care in the government's recent spending review.¹⁹ These unknowns and the lack of impact assessment produced by the government for these Statement of Changes (see later in this submission) make it difficult to justify the government's abrupt action to end overseas recruitment in social care, indicating a need for greater scrutiny.

The changes may imperfectly achieve their policy objectives

End to overseas recruitment in social care

20. The closure of entry clearance applications for Skilled Workers sponsored in care worker, home carer and senior care worker roles has been touted as a response to well documented evidence of migrant worker exploitation in the social care sector.

21. For example, the government's immigration white paper states at §80 – 81:²⁰

"We have taken steps to address these concerns, restricting access to overseas recruitment unless employers have first tried to recruit from the in-country redeployment pool, but the evidence shows more needs to be done.

We will therefore end overseas recruitment for social care visas..."

22. Similarly, at 5.11 of the Explanatory Memorandum, it states:²¹

"Concerns over workers sponsored as care workers and senior care workers (occupation codes 6135 and 6136) are well known. These include visa holders who have found themselves out of work due to employers over-estimating demand for their services or losing their ability to sponsor workers due to non-compliance, as well as significant concerns over abuse and exploitation of workers. As set out in the Immigration White Paper, these changes close entry

clearance applications for Skilled Workers sponsored in these occupation codes."

23. However, it is not at all clear that the exploitation of migrants will be prevented by stopping new applicants to carer roles under the Skilled Worker visa route. For example, it remains a possibility that migrants will continue to be exploited in their countries of origin by unscrupulous recruitment agents and other actors, notwithstanding their inability to secure visas for caring roles in the UK. This is important because the Public Accounts Committee's recent report on the Skilled Worker visa identified that the Home Office had previously not "taken sufficient action to prevent exploitation in applicants' home countries and identify bogus agents, relying on sponsors complying with immigration rules".²² This measure therefore does little to bolster the government's approach in preventing exploitation at source, outside of the territory of the UK in workers' countries of origin.
24. Moreover, this measure does nothing to assist those migrant workers in the care sector continuing to be exploited and/or suffering the consequences of exploitation in the UK. For example, despite the previously discussed ineffectiveness of the government's rematching scheme for displaced migrant care workers in England, there are no specific measures to improve this regime. Similarly, there are no other measures or reforms that might have been included to safeguard exploited workers. For example, the government's immigration white paper promised to explore "making it easier for workers to move between licensed sponsors for the duration of their visa, giving them more control over who they work for and reducing the risk of exploitation", while also promising to explore "innovative financial measures, penalties or sanctions, including for sponsors of migrant workers or students, which will incentivise them to show greater responsibility in their sponsorship practices...".²³ Neither of these measures have been included or expanded upon further in this Statement of Changes.
25. As set out in our previous submission to this Committee only a few months ago, given the emergency situation faced by tens of thousands of exploited care workers in the UK, there is now an urgent need for structural reform of the Skilled Worker route to prevent exploitation.²⁴ The government's proposal will very likely reduce the number of migrants arriving to the UK in care roles, but any policy objectives relating to preventing exploitation will not be achieved.

Explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's likely impact

26. The Explanatory Memorandum states at §9.1 to §9.3 (emphasis added):²⁵

"The changes to skills threshold are likely to have an indirect impact on businesses, charities and voluntary organisations who wish to sponsor overseas workers in occupations below RQF level 6. To a lesser extent, the updates to salary requirements may impact organisations who wish to sponsor overseas workers in occupations at or above RQF level 6. These impacts may include adjustment costs for businesses to respond to these changes.

The changes to close entry clearance applications for adult social care in occupation codes 6135 and 6136 are also likely to have an impact on businesses, charities and voluntary organisations who provide care in the UK.

These changes are also likely to have a significant impact on the public sector, as fewer applications will result in lower Home Office fee and Immigration Health Surcharge revenue as well as changes to the net fiscal contribution of these cohorts."

27.As explained above, given the concerns expressed about the effect of these changes on different sectors in the labour market, it is inconceivable that an impact assessment has not been published at the same time as these Statement of Changes so their anticipated effect can be properly scrutinised. The government itself notes the "magnitude of these changes" in the Explanatory Memorandum, yet has failed to produce an impact assessment for them.

28.As the Committee will be aware, this is not the first occasion on which the Home Office has failed to provide an impact assessment to accompany wide-ranging and consequential immigration rule changes. As recently as 26 March 2024, the Committee held a one-off oral evidence session with the then Parliamentary Under-Secretary of State for the Home Office (Lord Sharpe of Epsom OBE) and senior civil servants at the Home Office (Dan Hobbs, Director-General at the Migration and Borders Group & Ruth Hasling, Deputy Director at the Parliament, Legislation and External Affairs Unit) to discuss the continuous failure to provide impact information for statutory instruments covering a broad range of important topics.²⁶

29.During this session, Ruth Hasling explained:²⁷

"We have quite a long process by which all our SIs are considered. That starts at a triage process roughly three to four months before we would be looking at laying, where we consider the SIs at that

point. We do probe on issues such as impact assessments to make sure that they are being progressed where they are relevant. Similarly, where we press on the position with consultation or guidance, that is our first opportunity to flag whether there are concerns. There are occasions where there is an expectation at that point that an impact assessment will be done. The department is progressing that in line with the expected timetable, but unfortunately when we have got closer to the laying date issues have come up, as is the case with the impact assessments for these two Immigration Rules packages and it has not been possible to publish alongside.

In my SRO capacity, I will always advocate for publishing an impact assessment alongside the Explanatory Memorandum. Unfortunately, there are times where, because of the pressing nature of the policy and the importance of moving it forward, it is not possible to publish alongside."

30. It is worth pointing out that the government's immigration white paper, of which these proposed changes form part of, has been anticipated by the Home Office at least as far back as 17 December 2024, according to a press release issued by the department on this date.²⁸ The government has therefore had many months to work on and produce a suitable impact assessment for these changes but has nonetheless failed to supply this analysis. This will undoubtedly hamper the scrutiny process applied to the changes and gives rise to serious concerns about their impacts on the labour market.

Conclusion

31. For the above reasons, we ask for careful scrutiny and recommend each House annuls the Statement of Changes and provides the Home Secretary the opportunity to reconsider the policies underlying these changes.

8 July 2025

Endnotes

¹ The Northern Powerhouse Partnership, "Persistent wage gap between north and south", published 9 August 2022, available at: <https://www.northernpowerhousepartnership.co.uk/persistent-wage-gap-between-north-and-south/>

² House of Lords Secondary Legislation Scrutiny Committee, "Lords Committee voices concerns on care sector impact of health and social care visa restriction", 7 March 2024, available at: <https://committees.parliament.uk/committee/255/secondary-legislation-scrutiny->

[committee/news/200299/lords-committee-voices-concerns-on-care-sector-impact-of-health-and-social-care-visa-restriction/#:~:text=In%20addition%2C%20the%20Home%20Office,of%20the%20changes%20was%20lost.](#)

³ Landworkers' Alliance, 'Debt, Migration and Exploitation: The Seasonal Worker Visa and the Degradation of Working Conditions in UK Horticulture', published 10 July 2023, available at: <https://landworkersalliance.org.uk/lwa-report-digs-into-exploitation-of-migrant-workers-in-uk-horticulture/>

⁴ Foreign, Commonwealth & Development Office, "Taking and giving evidence by video link from abroad in UK court cases and tribunals", published 1 August 2023, available at: <https://www.gov.uk/guidance/taking-and-giving-evidence-by-video-link-from-abroad>

⁵ Home Office, Skilled Worker route evaluation, published 12 May 2025, available at: <https://www.gov.uk/government/publications/skilled-worker-route-evaluation/skilled-worker-route-evaluation#dependants-on-skilled-worker-visas>

⁶ Hansard HL Deb. Vol. 837, 1 May 2024, available at: <https://hansard.parliament.uk/lords/2024-05-01/debates/BA5EC639-EA08-46E8-A3B7-A91F48BB4854/Debate>

⁷ Mithran Samuel, "What will ending overseas recruitment mean for adult social care?", CommunityCare, published 14 May 2025, available at: <https://www.communitycare.co.uk/2025/05/14/what-will-ending-overseas-recruitment-mean-for-adult-social-care/>

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² House of Commons Committee of Public Accounts, "Immigration: Skilled worker visas", published 4 July 2025, p.5, available at: <https://committees.parliament.uk/publications/48634/documents/254879/default/>

¹³ Home Office, "Overseas recruitment for care workers to end", published 11 May 2025, available at: <https://www.gov.uk/government/news/overseas-recruitment-for-care-workers-to-end>

¹⁴ FOI 2025 05731 - Number of Care Workers Who Received Email Signposting Them to Regional Partnership for Support', WhatDoTheyKnow, 28 May 2025, https://www.whatdotheyknow.com/request/number_of_care_workers_who_recei_2?nocache=incoming-3031930.

¹⁵ FOI 1605963 - Number of Care Workers Who Accessed Support via International Recruitment Fund', WhatDoTheyKnow, 6 February 2025, https://www.whatdotheyknow.com/request/number_of_care_workers_who_acces_2/response/3037620/attach/html/3/FOI%201605963%20AS.pdf.html.

¹⁶ Skills for Care, "The state of the adult social care sector and workforce in England 2024", published July 2024, p.10, available at: <https://www.skillsforcare.org.uk/adult-social-care-workforce-data/workforce-intelligence/documents/state-of-the-adult-social-care-sector/the-state-of-the-adult-social-care-sector-and-workforce-in-england-2024.pdf>

¹⁷ Department for Business and Trade, "Implementing the Employment Rights Bill, our roadmap for delivering change", published 1 July 2025, available at: <https://assets.publishing.service.gov.uk/media/686507a33b77477f9da0726e/implementing-the-employment-rights-bill-roadmap.pdf>

¹⁸ Department for Health and Social Care, "Independent commission into adult social care: terms of reference", published 2 May 2025, available at:

<https://www.gov.uk/government/publications/independent-commission-into-adult-social-care-terms-of-reference/independent-commission-into-adult-social-care-terms-of-reference#:~:text=terms%2Dof%2Dreference-Summary,2028%20to%20the%20Prime%20Minister.>

¹⁹ Stephen Hall, "Social care left out in the cold once again': Sector leaders respond to last week's Spending Review", Care Home Professional, published 16 June 2025, available at: <https://www.carehomeprofessional.com/social-care-spending-review-reaction/#:~:text=Melanie%20Weatherley%20MBE%2C%20Co%2DChair,to%20support%20adult%20social%20care.>

²⁰ Home Office, "Restoring control over the immigration system", published 6 June 2025, available at: <https://www.gov.uk/government/publications/restoring-control-over-the-immigration-system-white-paper>

²¹ Home Office, Explanatory Memorandum to the Statement of Changes in Immigration Rules presented to Parliament on 1 July 2025 (HC 997), available at: <https://assets.publishing.service.gov.uk/media/6862a05a1c735341c2111b11/E03394848 - HC 997 - EXPLANATORY MEMORANDUM Web Accessible .pdf>

²² House of Commons Committee of Public Accounts, Immigration: Skilled Worker visas, p.5.

²³ Home Office, Restoring control over the immigration system, p49, 60.

²⁴ Work Rights Centre, Evidence to the Secondary Legislation Scrutiny Committee for its consideration of the Statement of Changes to the Immigration Rules: HC 733, 12 March 2025, p.4, 9-10, available at: https://www.workrightscentre.org/media/4b4hr32d/work_rights_centre_evidence_to_the_secondary_legislation_scrutiny_committee_soc_hc_733_12_march_2025_1.pdf

²⁵ Home Office, Explanatory Memorandum to the Statement of Changes in Immigration Rules presented to Parliament on 1 July 2025 (HC 997)

²⁶ House of Lords Secondary Legislation Scrutiny Committee, Corrected oral evidence: Poor quality of Home Office impact information, Tuesday 26 March 2024, available at: <https://committees.parliament.uk/oralevidence/14610/default/>

²⁷ Ibid, p.10.

²⁸ Home Office, "Government strengthens Migration Advisory Committee", published 17 December 2024, available at: <https://www.gov.uk/government/news/government-strengthens-migration-advisory-committee>

Additional Information from the Home Office on Statement of Changes in Immigration Rules (HC 997)

Q1: The submission argues (para 6) that the changes to salary and skills thresholds will have regional effects that "further entrench the divide between London and the South East of England as compared with the rest of the UK". What is the Government's view on this point?

A1: The changes to salary requirements are a routine update in line with the latest Annual Survey of Hours and Earnings (ASHE) data from the Office for National Statistics. The method of setting the requirements is unchanged, so should not have any additional regional impacts beyond existing regional disparities in earnings growth.

The independent Migration Advisory Committee (MAC) has repeatedly advised against setting regional salary thresholds, which could be counterproductive as they could entrench regions as being higher or lower paid. They would also add further complexity and friction to the immigration system.

On 2 July, the Home Secretary commissioned the MAC to undertake a thorough review of salary requirements (including discounts) and to report in 6 months' time. The MAC's findings will inform future Immigration Rules changes.

We have not identified any regional impacts of the change in the skills threshold.

Q2: The submission argues that roles on the Temporary Shortage List being time-limited gives rise to a possible "cliff edge" situation whereby migrant workers became at risk of losing their status, and (presumably) businesses become at risk of losing workers.

- *What will happen to people in a given occupation in Levels 3-5 if/when that occupation is removed from the list? Will they face a 'cliff edge' situation?*
- *Will such workers be able to apply for extensions or settlement, and if so on what basis?*
- *Similarly, will businesses face a 'cliff edge' loss of workers?*
- *What consultations/discussions/notifications will take place with affected employers who could lose employees and over what time period, prior to any change?*

A2: Under the Rules changes as laid, if a job is removed from the Temporary Shortage List, workers would be able to continue for the duration of their existing permission, but would not be able to apply to extend their stay. It should be noted, however, that no occupations will be removed from the list until 31 December 2026, unless through a further Statement of Changes.

On 2 July, the Home Secretary also commissioned the MAC to review the Temporary Shortage List, including the terms and conditions which should apply to that list, such as time limits.

The Immigration White Paper also set out the Government's intention to consult later this year on future changes to settlement.

Employers and other interested parties are encouraged to engage with the MAC and the settlement consultation.

Future policy on what should happen when a job is removed from the Temporary Shortage List will be informed by the MAC's recommendations and by the settlement consultation. In the meantime, we considered it prudent not to give expectations that workers may be able to be retained once occupations are removed from the list, when this may not be the case.

Employers and workers making use of the list from 22 July should do so in full knowledge and understanding of its temporary nature, and that future applications are not guaranteed.

Q3: The submission argues that the time-limited nature of the TSL means that those employed on it are in a similar situation to those on short-term visas, and that (for a number of reasons) this significantly increases the risks of exploitation. Do you agree and, if not, why not?

A3: We disagree. The 5-year nature of the provision for care workers has not prevented it being a conduit for exploitation. Those on longer term visas with a path to settlement may consider they have more to lose by raising exploitation concerns.

There is a much stronger correlation between the type of work and risks of exploitation than length of visa. As set out in the Immigration White Paper, this is mainly seen in roles below RQF level 6, therefore raising the skills threshold to this level is one measure we are taking to tackle it.

For roles below RQF 6, to be included on the Temporary Shortage List, sectors will be required to show how they will manage the risk of exploitation of workers, particularly migrant workers.

Q4: The submission argues that the inability for future workers in Levels 3-5 on the TSL to bring dependents (as compared to existing Level 3-5 migrants and those at Level 6 and above) amounts to an "arbitrary exclusion" from the enjoyment of a family life, and that this has undesirable effects such as reduced security and increased risk of exploitation.

- *How do you respond to these concerns?*
- *Why is it appropriate that some migrant workers can bring family members but not others?*

- *Why is it appropriate to exclude any family members, particularly given that, according to the HO's evaluation of the Skilled Worker route, a high percentage of partners are in work?*

A4: It is not arbitrary. Workers in roles below RQF level 6 are more likely to bring a greater number of dependants, and those dependants are less likely to make a positive fiscal contribution. These roles are also generally lower-paid, meaning there is less assurance that applicants will be able to financially support their dependants without access to public funds.

Applicants choosing to apply under these rules do so in full knowledge and understanding that they cannot bring dependants. We expect them to factor that into their decision whether to apply or not.

Q5: The submission expresses a number of concerns about the ending of overseas recruitment of social care workers. What will be the impact on the care sector, given its historical reliance on overseas workers and its level of vacancies?

A5: These questions will be answered in the Impact Assessment when it is published, as soon as possible. Home Office officials have been working closely with Department for Health and Social Care officials on the care aspects of the IA.

Q6: Also on the social care sector: are there any early indications of the success, or otherwise, of the rematching scheme, following the earlier changes that required employers to seek to recruit from the existing pool of UK social care workers before seeking to sponsor workers from overseas?

A6: The Regional Partnerships play a critical role in helping support displaced visa holders into new jobs. There is currently a mixed picture across the regions. UK Visas and Immigration and the Department of Health and Social Care are continuing to work closely with the Regional Partnerships to boost the success of the scheme.

The closure of the route to sponsor care workers from overseas means the requirement is no longer applicable. However, the Regional Partnerships will continue to support displaced workers in the UK and we encourage care providers who are seeking to recruit to engage with this pool of workers wherever possible.

Q7: The submission cites the Public Accounts Committee report on Skilled Worker Visas in arguing that the ending of overseas care worker recruitment will have a limited impact on exploitation, because there is insufficient oversight of unscrupulous overseas recruitment agents.

- *How do you respond?*

- *What steps are being taken in this respect?*

A7: We are considering the Public Accounts Committee's report and will respond to its findings in due course.

Overseas recruitment agents, by their nature, operate outside our jurisdiction and often without detection. We will take action against such agents and the use of such agents where possible and will consider what more can be done.

The closure of overseas care worker recruitment will close a route which has been widely associated with worker exploitation, preventing future workers being brought to the UK through the route to be exploited.

While in-country switching applications will remain open until July 2028, the requirement for care workers to have been lawfully working for their sponsors for at least three months before applying will provide a degree of assurance that there is an existing employer-employee relationship and that applicants are not entering into an unknown, potentially exploitative relationship.

This is only one measure and we will continue to take other measures to tackle exploitation wherever it arises. We will also continue to support exploited care workers in the UK into new sponsorship.

Q8: In responding to my earlier questions on the lack of an Impact Assessment, please indicate whether you agree that the changes have been anticipated at least since December 2024 (see para 30 of the submission) and, if so, explain why it has not been possible to produce an IA in that time period.

A8: We disagree. On 28 November 2024, the Prime Minister announced that the Government would publish a White Paper, setting out its plans to reduce immigration. The Government also announced its overall approach, linking migration, skills and labour market policies to ensure immigration is not used as an alternative to investing in the domestic workforce.

However, beyond the headline statements, the details of the changes had yet to be developed and agreed across Government. The Immigration White Paper was not published until 12 May 2025 and, even at that point, there were still further details to be determined – for example, the composition of the initial Temporary Shortage List.

See also our response to the earlier questions about the IA, where we said:

“The Immigration Rules were laid as soon as possible after the White Paper was published to avoid a spike in applications after the changes had been announced. There was also continued policy discussions across Government which occurred post White Paper, meaning the final shape of the Rules package was not known until soon before laying While analysis was undertaken to assess the impact of these changes, it was not possible to finalise a full Impact Assessment in time for the laying of the rules. During the development of the White Paper, there was a cross-government analysis on the proposed measures across all sectors, including Adult Social Care, which informed the publication of the White Paper.”

10 and 14 July

Submission from the Immigration Law Practitioners' Association on the Statement of Changes in Immigration Rules (HC 997)

Evidence to the Secondary Legislation Scrutiny Committee for its consideration of the Statement of Changes in Immigration Rules: HC 997 (1 July 2025)

1. The Immigration Law Practitioners' Association (ILPA) is a professional association and registered charity, the majority of whose members are barristers, solicitors, and advocates practising in all aspects of immigration, asylum and nationality law. Academics, non-governmental organisations, and individuals with a substantial interest in the law are also members. ILPA exists to promote and improve advice and representation in immigration, asylum and nationality law, to act as an information and knowledge resource for members of the immigration law profession, and to help ensure a fair and human rights-based immigration and asylum system.
2. We ask that the Secondary Legislation Scrutiny Committee draw the [Statement of Changes to the Immigration Rules: HC 997](#), published on 1 July 2025, to the special attention of the House on the following bases:
 - i. that the statutory instrument is politically or legally important or gives rise to issues of public policy likely to be of interest to the House;
 - ii. that it may imperfectly achieve its policy objectives;
 - iii. that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation; and
 - iv. that there appear to be inadequacies in the consultation process.
3. This piece of evidence focuses on the closure of the Afghan Relocations and Assistance Policy ('ARAP') to new principal applications (paragraphs APP ARAP 1 to 6 of the SoC). ARAP is specifically for Afghan citizens who worked for or with the UK Government in Afghanistan in exposed or meaningful roles, whose safety is at risk or who hold information which if disclosed would give rise to or aggravate a specific threat to a UK Government department or its interests.
4. **First, this is a legally and politically important change**, given that ARAP was intended to fulfil the UK's moral and ethical obligation to protect those who contributed to the UK's efforts in Afghanistan, its military or security objectives, and defended values such as democracy, women's rights, and the rule of law, including by working alongside British Forces, and who due to that contribution live in fear of reprisal from the Taliban.

5. Many Afghans were left behind during the UK's withdrawal. As Keir Starmer MP said following the fall of Kabul, in September 2021:

'the Government have left behind many to whom we owe so much. In the last few weeks, MPs have had thousands of desperate calls from people trying to get to safety. Many remain in danger, including the Afghan guards who protected the British embassy. In my constituency—I am not alone; Members across the House will have had this—cases involve Afghans who applied for the ARAP scheme weeks and sometimes months ago and who were clearly eligible but were not processed quickly enough by this Government and did not make it to the planes...

The Government do not even know how many UK nationals and Afghans eligible under the ARAP scheme have been left behind to the cruelty of the Taliban. That is a national disgrace.¹

6. The failures of ARAP have been reported by the House of Commons Defence Committee in its report on [*Withdrawal from Afghanistan*](#) (HC 725, 10 February 2023), the Foreign Affairs Committee in its report [*Missing in action: UK leadership and the withdrawal from Afghanistan*](#) (HC 630, 29 July 2022), both of which highlight that eligible individuals were not evacuated during Operation Pitting ('OP'). The Independent Chief Inspector of Borders and Immigration further highlights the poor, unwieldy, suboptimal, and chaotic data during the evacuation, with inspectors finding 'an almost universal acceptance that the quality of data had caused issues... and that, from OP onwards, there did not appear to be a "single version of the truth" that any of the government departments involved were working from'.²
7. The closure of ARAP to new principal applicants means permanently abandoning individuals who, like the Triples, assisted and served with the UK's operations in Afghanistan, if they have not yet made an ARAP application.
8. For example, the 'Triples Review', which is currently being carried out by the Ministry of Defence, relates to inconsistencies in decision-making for applications

¹ *Hansard* HC Deb 6 September 2021 'Afghanistan', Vol 700, Cols 23-24.

² ICIBI, 'An inspection of the Home Office's Afghan resettlement schemes' (October 2022-April 2023) [7.8], [7.12]

<https://assets.publishing.service.gov.uk/media/65e081203f6945001d035fcd/An_inspection_of_the_Home_Office_s_Afghan_resettlement_schemes_October_2022_to_April_2023.pdf> accessed 14 July 2025.

that have already been made to ARAP.³ It is unclear how many, if any, Triples were unable to apply to ARAP before its closure on 1 July 2025. However, as Lord Justice Dingemans noted in a judgment of 8 July 2025:

*'The work of the Triples has placed members of the Triples at high levels of risk from Taliban reprisals. Some former members of the Triples have been tortured and some have been killed by the Taliban since the departure of UK forces from Afghanistan in August 2021. Members of the Triples who have not relocated to the UK are in Afghanistan, Pakistan and Iran, where the evidence shows that they remain at risk.'*⁴

9. Paragraph 5.20 of the [Explanatory Memorandum](#) states that the 'MOD considers that the majority of those who would be eligible have now applied'. However, the evidential basis for this assessment is unclear. In a context such as this, where the stakes are incredibly high, as they involve matters of life and death, **there must be sufficient information to gain a clear understanding of the impact of implementation and whether ARAP has fulfilled its original purpose and achieved its policy objectives. At present that clarity is lacking.**
10. Second, **the closure of ARAP is yet another example⁵ of breach of the 21-day rule.** The change took effect at 15:00 BST on 1 July 2025, the day the SoC was laid. Under section 3(2) of the Immigration Act 1971, the Secretary of State has a duty to lay statements of, and changes to, the immigration rules before Parliament. These rules are then able to be disapproved, under the negative

³ Ministry of Defence, 'Afghan Relocations and Assistance Policy - Triples Review Phase Two: terms of reference' (2 July 2025) <<https://www.gov.uk/government/publications/afghan-relocations-and-assistance-policy/afghan-relocations-and-assistance-policy-triples-review-phase-two-terms-of-reference>> accessed 14 July 2025.

⁴ *R (TPL1) v Secretary of State for Defence* [2025] EWHC 1729, [16].

⁵ There is now a lengthy string of such breaches in recent Statements of Changes, e.g. placing certain nationalities on the Visa National List at 3pm on the day the Statement was laid: Trinidad and Tobago in Statement of Changes HC 733 (12 March 2025)

<<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-733-12-march-2025/statement-of-changes-to-the-immigration-rules-hc-733-12-march-2025-accessible-version>>; Statement of Changes in Immigration Rules HC 334 (26 November 2024)

<[https://assets.publishing.service.gov.uk/media/674596b6bdeffdc82cffe0ec/E03247522 - HC 334 - Immigration Rules Changes Web Accessible .pdf](https://assets.publishing.service.gov.uk/media/674596b6bdeffdc82cffe0ec/E03247522_-_HC_334_-_Immigration_Rules_Changes_Web_Accessible_.pdf)>; Statement of Changes in Immigration Rules

HC 217 (10 September 2024)

<[https://assets.publishing.service.gov.uk/media/66df236d61f4a22cad328243/E03196141 -](https://assets.publishing.service.gov.uk/media/66df236d61f4a22cad328243/E03196141_-_HC_217_-_Immigration_Rules_Changes_Web_Accessible_.pdf)

[HC 217 - Immigration Rules Changes Web Accessible .pdf](https://assets.publishing.service.gov.uk/media/66df236d61f4a22cad328243/E03196141_-_HC_217_-_Immigration_Rules_Changes_Web_Accessible_.pdf)> imposing the visa regime on Jordanian nationals at 3pm the day the Statement was laid; and Statement of Changes in Immigration Rules HC 1715 (19 July 2023)

<[https://assets.publishing.service.gov.uk/media/64b6b24961adff001301b300/E02946704 -](https://assets.publishing.service.gov.uk/media/64b6b24961adff001301b300/E02946704_-_Immigration_Rules_changes_-_HC_1715_Web_Accessible_.pdf)

[Immigration Rules changes - HC 1715 Web Accessible .pdf](https://assets.publishing.service.gov.uk/media/64b6b24961adff001301b300/E02946704_-_Immigration_Rules_changes_-_HC_1715_Web_Accessible_.pdf)> imposed a visa regime on Dominica, Honduras, Namibia, Timor-Leste, and Vanuatu at 3pm the day the Statement was laid.

resolution procedure. Breach of the 21-day rule makes a mockery of this requirement and undermines Parliament's intention, which was to enable the policy content of the rules and the actions of the Secretary of State to be considered in either House.⁶ The breach of convention in relation to this change removed any practical opportunity for Parliament to scrutinise the Rule change, before it took effect.

11. The primary reasons for immediate closure appear from the [Explanatory Memorandum](#) to be convenience and inadequate resourcing. The Ministry of Defence ('MoD') wishes to avoid processing applications which would have been made and instead focus on 'more efficiently' processing outstanding applications, before re-allocating resources elsewhere. While we fully appreciate that the MoD has security priorities, 21 days constitutes a short but necessary window for prospective scrutiny by your Committee.
12. Third, **there are inadequacies in the consultation process**. As is confirmed at paragraph 7.4 of the [Explanatory Memorandum](#), the closure of ARAP was not the subject of a formal public consultation. The reason given is that it would have been 'disproportionate', 'because the closure of the scheme requires a small change to the Immigration Rules and has minimal impact on the UK public'. However, this wholly minimises the importance of the change and of ARAP. This was no minor technical amendment; it was the closure of the route to new principal applicants — a route that, according to the [Explanatory Memorandum](#), had received 13,000 new principal applications since October 2024, with new applications still being submitted at the time the SoC was published.
13. This change could have been forewarned in the [Restoring control over the immigration system: white paper](#) (CP 1326, May 2025), but it was not. All that was said in December 2024, on the Afghan Resettlement Programme – the rebranded route for bringing together ARAP and the Afghan Citizens Resettlement Scheme 'into a single, efficient pipeline' – was that the 'Government intends to reach an *eventual* ending of UK Afghan resettlement schemes' or 'a position where the UK Afghan resettlement schemes can be closed'.⁷ ILPA wrote to the Home Office and the Ministry of Defence regarding this announcement, on 14 February 2025 and 13 March 2025, but we received

⁶ *R (Alvi) v Secretary of State for the Home Department* [2012] UKSC 33, [34]; *Hansard* HC Deb 16 June 1971, cols 482-483.

⁷ 'Afghan Resettlement Programme' (published 18 December 2024) <<https://web.archive.org/web/20250610090740/https://www.gov.uk/guidance/afghan-resettlement-programme>> accessed 14 July 2025; John Healey, UK Parliament, 'Afghan Resettlement', (Statement, UIN HCWS335, 18 December 2024) accessed 14 July 2025.

no reply.⁸ Despite the serious and significant impact of this change, which drew a bright line at 3pm on 1 July 2025, we are not aware of any views being obtained from individuals likely to be most closely and abruptly affected by the change, or organisations with relevant knowledge,⁹ so that Ministers could act on the basis of relevant evidence. There would have been ample time to obtain such views, information, and evidence, in the period that elapsed between last December and the Rule change.

14. The lack of notice, consultation, and Parliamentary scrutiny prior to the changes taking effect has clear, real, and practical ramifications. Individuals who would have been eligible for ARAP, who were in the midst of preparing applications when the route was closed without forewarning, are now left with no safe route to the UK, despite the risk they face because of their work with or for the UK Government in exposed or meaningful roles.
15. There is no opportunity for individuals who would have been eligible under ARAP to come to the UK under the Afghan Citizens Resettlement Scheme ('ACRS') — the only other safe route that was available to Afghans and which only resettled 12,800 out of its intended 20,000 target. Paragraph 5.23 of the [Explanatory Memorandum](#) confirms that the Government will be closing the ACRS and will not be accepting any further referrals or opening any further pathways. Therefore, individuals who might have been eligible under ARAP, but who were waiting for the full operationalisation of ACRS Pathway 3, which was touted to prioritise 'vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+)',¹⁰ but which never did, will now be locked out of a safe route altogether. After the first stage of Pathway 3 instead offered places to British Council contractors, GardaWorld contractors and Chevening Alumni, the government said it would 'work with international partners and non-government organisations to welcome other groups of Afghans who are at risk'.¹¹

⁸ ILPA, 'The Afghan Resettlement Programme' (14 February 2025) and 'Joint Letter Regarding the Afghan Resettlement Programme' (13 March 2025) <<https://ilpa.org.uk/ilpa-letter-re-the-afghan-resettlement-programme-14-february-2025/>> accessed 14 July 2025.

⁹ For example, see, ILPA and 17 other organisations, 'Joint Letter Regarding Closure of the Afghan Resettlement Programme' (7 July 2025) <https://ilpa.org.uk/wp-content/uploads/2025/07/ILPA_Joint-Open-Letter-Regarding-Closure-of-the-Afghan-Resettlement-Programme-07.07.2025.pdf> accessed 14 July 2025.

¹⁰ Home Office guidance, 'Afghan citizens resettlement scheme', (last updated 1 July 2025) <<https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>> accessed 14 July 2025.

¹¹ FCDO, 'Afghan Citizens Resettlement Scheme Pathway 3: eligibility for British Council and GardaWorld contractors and Chevening Alumni' (13 June 2022, last updated 21 August 2024) <<https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme-pathway-3-eligibility-for-british-council-and-gardaworld-contractors-and-chevening-alumni>> accessed 14 July 2025.

16. In October 2023, the former Minister for Immigration, Robert Jenrick, said the Government still intended to widen eligibility for Pathway 3, but that this would happen where capacity permitted.¹² Following this promise, the second stage of Pathway 3 was never reached. However, the situation remains acute for women and girls. On 4 October 2024, the Court of Justice of the European Union (CJEU) ruled¹³ that the discriminatory measures faced by women in Afghanistan amount to acts of persecution warranting refugee status. On 23 January 2025, ICC Prosecutor, Karim A.A. Khan KC, released a statement¹⁴ regarding applications for arrest warrants against Taliban leaders¹⁵ for crimes against humanity, specifically gender-based persecution under Article 7(1)(h) of the Rome Statute. On 10 March 2025, the UK Deputy Permanent Representative to the UN delivered a statement,¹⁶ at the UN Security Council meeting on Afghanistan, unequivocally condemning the Taliban's ongoing ban on girls' education and on all other bans which restrict Afghan women and girls' rights and fundamental freedoms in Afghanistan. The UK supported the referral of Afghanistan to the International Court of Justice for violations of the Convention on the Elimination of All Forms of Discrimination against Women. Despite the overwhelming international consensus, including of the UK, the Government has stated it will close ACRS without commencement of the promised pathways for Afghan women, girls, and minorities at risk.
17. The sudden closure of these pathways for at-risk Afghans may result in them seeking refuge through other means, including irregular routes, as they will have no alternative safe and regular options to escape persecution, torture, and in some cases, even death. The Home Office's data suggests Afghans were the most common nationality arriving by small boat, and most claimed asylum upon arrival.¹⁷ It is no surprise that these numbers remain high, given the situation

¹² Hansard HC Deb 17 October 2023, vol 738, col 55.

¹³ *AH (C-608/22), FN (C-609/22) v Bundesamt für Fremdenwesen und Asyl* [2024] ECLI:EU:C:2024:828

<<https://curia.europa.eu/juris/document/document.jsf?text=&docid=290687&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=106839>> accessed 14 July 2025.

¹⁴ Karim A. A. Khan KC, International Criminal Court, 'Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in Afghanistan' (23 January 2025)

<<https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-afghanistan>> accessed 14 July 2025.

¹⁵ International Criminal Court, 'Afghanistan', ICC-02/17 <<https://www.icc-cpi.int/afghanistan>> accessed 14 July 2025.

¹⁶ James Kariuki, 'The UK unequivocally condemns the Taliban's ban on girls' education in Afghanistan: UK statement at the UN Security Council' (10 March 2025)

<<https://www.gov.uk/government/speeches/the-uk-unequivocally-condemns-the-talibans-ban-on-girls-education-in-afghanistan-uk-statement-at-the-un-security-council>> accessed 14 July 2025.

¹⁷ Home Office accredited official statistics, 'How many people come to the UK irregularly?' (updated 25 June 2025) parts 1.1, 2.3 and 3 <<https://www.gov.uk/government/statistics/immigration-system->

in Afghanistan persists. The immediate closure of ARAP makes little sense and will likely lead to more vulnerable Afghans making perilous journeys and increased overall costs for the Government. Despite many having put their life on the line for this country, if Afghans do now irregularly arrive, their claims may be declared inadmissible and they may be returned to a country through which they passed on their way to reach what they thought would be sanctuary in the UK.¹⁸

18. Therefore, this change is legally and politically important. The closure of ARAP will likely imperfectly achieve the Government's policy objectives. There has been insufficient consultation, parliamentary scrutiny, and information regarding the impact of the change.
19. For the above reasons, we respectfully request that this change be drawn to the special attention of the House.

Zoe Bantleman
Legal Director
Immigration Law Practitioners' Association (ILPA)

14 July 2025

[statistics-year-ending-march-2025/how-many-people-come-to-the-uk-irregularly](#)> accessed 14 July 2025.

¹⁸ See Nationality, Immigration and Asylum Act 2002, s 80B and 80C; Nationality and Borders Act 2022, s 29.

Addendum to Evidence to the Secondary Legislation Scrutiny Committee for its consideration of the Statement of Changes in Immigration Rules: HC 997 (1 July 2025)

Following the provision of our above evidence, upon the lifting of a super-injunction,¹⁹ at 12:00pm on 15 July 2025, the Government revealed a data breach in February 2022 of the personal details of 18,714 applicants to ARAP and its predecessor, the Afghanistan Locally Employed Staff Ex-Gratia scheme ('EGS').²⁰ An official in the Ministry of Defence emailed an ARAP caseworking file, containing a spreadsheet with names and contact details of individuals, and in some cases their family members, named in applications made on or before 7 January 2022, only a small proportion of whom were found to be eligible under ARAP or the EGS.

Following becoming aware of the incident in August 2023 through a Facebook post, we now understand that the Government, in secret, launched the Afghanistan Response Route ('ARR') in April 2024, for those who had not previously been found eligible for ARAP but were potentially at the "highest risk" of reprisals by the Taliban due to the data breach. Mr Justice Chamberlain noted that this led to a "scrutiny vacuum", as it closed off the ordinary mechanisms of scrutiny and accountability in a democracy, by the public, media and Parliament.

Between 30 April and 1 May 2024, the court heard evidence that around 20,000 people could be eligible for relocation and heard that 'a cohort of around 80,000 people whose lives and safety have been endangered by conduct attributable to the UK Government will not, on the present policy, be offered relocation or any other form of assistance'.²¹

The ARR was only widened to cover nearly 3,000 principal applicants, of which around 900 together with 3,600 family members are in the UK or in transit.²² The Defence Secretary further indicated that another 600 invitations had been made.²³ However, on 15 July 2025, the ARR also closed. This means there continues to be no open safe route for Afghans at risk from the Taliban.

¹⁹ A super-injunction is an injunction that prohibits disclosure of the existence of the injunction, as well as the underlying information; *Ministry of Defence v Global Media and Entertainment Ltd and others* [2025] EWHC 1806 (KB).

²⁰ John Healey MP, 'Oral Statement on Afghan data breach' (15 July 2025) <<https://www.gov.uk/government/speeches/oral-statement-on-afghan-data-breach>> accessed 17 July 2025.

²¹ *Ministry of Defence v Global Media and Entertainment Ltd and others* ("Judgment no. 3") [2024] EWHC 1220 (KB), paragraphs 34 and 45(c).

²² John Healey MP, 'Oral Statement on Afghan data breach' (n 20).

²³ *ibid.*

We understand that all affected individuals, for whom the Ministry of Defence had contact details, were only informed of the breach of their data on the morning of 15 July 2025.²⁴

The disclosure of the data breach does not alter our above evidence regarding the closure of ARAP and the ACRS:

- That the UK placed people who were ineligible for ARAP in a position of danger through its data breach provides no basis for abandoning those who were eligible under ARAP (even without the data breach), but had yet to apply.
- The data breach means that persons may be at heightened risk of reprisal (even if not at the “highest risk”), and would now be eligible under ARAP, despite not having applied before, as they were unaware of the additional threat the data breach posed. For example, they may be the family member of a person named in the spreadsheet, even if they were not themselves named. The Government *only* appears to have offered relocation under the ARR to people previously considered to be ineligible for ARAP/EGS. Therefore, there could be a large number of people who never applied to ARAP/EGS, but who remain in danger of reprisal from the Taliban, including due to the data breach, and who have no safe route following the closure of ARAP. The risk to them may not merely come from being associated with a person named on the spreadsheet, but may compound and heighten the risk they already face.
- Given the closure of ARAP, it is unclear what avenue for further representations and reconsideration exists, for persons whose data was breached and who had previously applied and been rejected under ARAP or its predecessor EGS. Compensation for the data breach is no replacement for a safe route to protection.
- That the UK chose to resettle some victims of its data breach, does not mean the UK should fail to fully operationalise ACRS Pathway 3, which was intended for women, girls, and minorities. As all ARR grantees are accounted for in the Home Office’s published statistics, as of 31 March 2025, it remains the case that only 12,862 of the 20,000 places under the ACRS were used.²⁵ The UK’s

²⁴ Prior to this, the approach to informing persons of the data breach was piecemeal, see *ibid*, paragraph 39(c): ‘The ARAP relocations team in Islamabad sent an initial notification (admittedly not revealing the extent of the breach) to some 1,800 ARAP applicants/eligible persons in Pakistan’.

²⁵ Home Office, ‘Afghan Resettlement Programme: operational data’ (22 May 2025) <<https://www.gov.uk/government/publications/afghan-resettlement-programme-operational-data/afghan-resettlement-programme-operational-data>> accessed 17 July 2025.

accountability for protecting those at the greatest risk from its data breach should not cannibalise its accountability for providing promised protection to women, girls, and minorities.

Finally, we are concerned that individuals awaiting ARAP decisions in Afghanistan, including Triples, may be at heightened risk from the Taliban, if they are also affected by the data breach. It is unclear if the Triples Review and these cases are being expedited.²⁶ The Explanatory Memorandum to the Statement of Changes only refers to the Government's aim 'to have successfully honoured its obligation to complete relocations of eligible persons' by the 'end of this parliament', i.e. over the next four years.²⁷

We would also note that the situation in Afghanistan continues to evolve on the ground. According to the United Nations High Commissioner for Refugees, '1.4 million people... have returned or been forced to return to Afghanistan so far this year, including over 1 million from Iran', with over 43,000 people returned on 1 July, the highest daily number recorded.²⁸ Therefore, people who were previously not at threat in Afghanistan, may now be.

ILPA is not calling for ARAP and ACRS to carry on 'in perpetuity'; however, given what the Defence Secretary has called 'brutal human rights abuses in Afghanistan', and the increased risk likely to flow from the data breach, the current need for these Schemes remains.²⁹ Accordingly, we continue to ask that the Committee draw this change to the special attention of the House.

Zoe Bantleman
Legal Director
Immigration Law Practitioners' Association (ILPA)

17 July 2025

²⁶ The Defence Secretary's statement provides no timeframe for the Triples Review, stating only, 'we will complete our commitment to the continuing the review of the Triples.'

²⁷ [Explanatory Memorandum](#), paragraph 5.19.

²⁸ UNHCR, 'Needs intensify as 1.4 million people return to Afghanistan' (4 July 2025) <<https://www.unhcr.org/news/briefing-notes/unhcr-needs-intensify-1-4-million-people-return-afghanistan>> accessed 17 July 2025.

²⁹ John Healey MP, 'Oral Statement on Afghan data breach' (15 July 2025) <<https://www.gov.uk/government/speeches/oral-statement-on-afghan-data-breach>> accessed 17 July 2025.

Response from the Home Office to the Immigration Law Practitioners' Association's Submission on the Statement of Changes in Immigration Rules (HC 997)

ARAP and ACRS

Q1: What was the rate of applications to the ARAP scheme immediately prior to its closure?

A1: From 1 August 2024 to 1 July 2025, over 23,000 applications were received (not including duplicate/additional/erroneous applications).

Q2: Does the Government have an estimate of the number of people who could be eligible for the scheme but have not applied? The EM states that the "majority" of those who would be eligible have now applied - but that could be as few as 51%. Is there any more accurate assessment?

A2: The Government does not hold an estimate of the total number of people who may have been eligible for ARAP but have not applied. ARAP is a well-known scheme amongst the Afghan communities and has seen over 190,000 principal applications since it was opened in April 2021. Our assessment that the majority of those likely to be found eligible have already applied has been deduced from the fact that the rate of ineligible decisions has been over 95% for at least 2 years. The period following the first 12 months after Operation PITTING in Aug 2021 saw ineligible decisions begin to significantly overtake eligible ones. This trend has continued consistently to July 2025.

Q3: Please summarise the Afghan Citizens Resettlement Scheme and why it is also appropriate to close that scheme.

A3: The Afghan Citizen Resettlement Scheme (ACRS) opened in 2021, with the aim of supporting those who; assisted UK efforts in Afghanistan and stood up for values such as democracy, women's rights, freedom of speech, and rule of law. Vulnerable people, including women and girls and members of minority groups at risk (including ethnic and religious minorities and LGBT+ people).

To date, the UK has welcomed more than 12,800 individuals to the UK under the ACRS. We will continue to honour our previous commitments to bring eligible Afghans to the UK as quickly as possible.

The Afghan schemes were never intended to operate indefinitely, as signalled by the Secretary of State for Defence's statement in December 2024. The ACRS is now closing because over 34,000 people have now arrived across the ACRS and ARAP schemes. This has placed significant pressure on capacity across the UK.

Q4: Could you please expand on what you mean by "capacity" in relation to the reasons for closing ARAP and ACRS, that acceptances through these schemes have "placed significant pressure on capacity across the UK"?

A4: As announced by the Defence Secretary on 18th December 2024, Afghans arriving in the UK would now be offered support under the Afghanistan Resettlement Pipeline. This includes transitional accommodation and support in finding settled accommodation. Given wider pressures on public services, such as the on-going housing crisis, it is important to balance the needs of those coming to the UK with those of the domestic population. Four years after the launch of the scheme, with circa 95% of all applicants being found ineligible, it felt appropriate to bring ARAP to a close and concentrate on resettling those who remain in the pipeline.

Q5: The submission (para 8) quotes a very recent court case that suggests there remain members of the Triples who are potentially eligible for ARAP, but have been unable to, or have not, made applications and remain at risk in the countries where they currently are. Do you agree and how do you respond to this point?

A5: We assess that the majority of those who are potentially eligible for ARAP have either been relocated to the UK or have already submitted an application that will be processed in due course.

The ARAP scheme was open for over 4 years which provided ample opportunity to those who wished to be considered to apply. The intention to close the Afghan Resettlement schemes was included in the Minister for the Armed Forces' (MinAF) May 2025 statement announcing the second phase of the Triples Review, as well as the Defence Secretary's ARP announcement in December 2024, so anyone considering applying who had not yet had opportunity to do so, including potentially eligible Triples who had not yet applied.

Those who are in scope of Phase 2 of the Triples Review will have their ARAP applications reviewed, and a decision on their case communicated to them.

Q6: The submission argues (para 13-14) that the warnings given in December 2024 and May 2025 about the closure of the schemes are insufficient to ensure all those affected knew that they needed to apply. How do you respond?

A6: Afghan schemes were not created to be open ended schemes, and as such had strict eligibility criteria for applicants to meet before they would be offered relocation. As 95% of all applications received have been found ineligible, it is considered that all those who were likely to apply had done so. The Ministry of Defence consider that the intention stated in December 2024 and repeated in May 2025 to complete Afghan schemes prior to ARAP closure coming into effect was sufficient time for individuals who had not yet applied to do so.

Q7: The submission also argues (para 13-14) that those affected and those with relevant knowledge should have been consulted before the closure was announced. Why did this not take place?

A7: The Ministry of Defence has proactively engaged with the Afghan community, Charities and interested individuals throughout the operation of ARAP. The MOD assessed, based on the data available, that as 95% of all decisions were found to be ineligible, ARAP had largely served its purpose and should be brought to a close.

Our assessment is that the majority of those likely to be found eligible (and wishing to be relocated) have already applied.

Q8: The submission suggests (para 15) that there may be eligible individuals who were "waiting for the full operationalisation of ACRS Pathway 3" but who will not now be able to apply. Do you agree and, if so, why is the immediate closure of ACRS appropriate?

A8: When launching the ACRS, the previous government announced its intention to expand the Pathway 3 of the scheme when capacity allowed. However, due to wider pressures, this was not possible.

There was never any commitment beyond this intention, nor was any timeline for expansion ever set.

The government never encouraged individuals to wait for the scheme to be expanded if they were eligible for other schemes.

Q9: The submission states (para 16) that the eligibility criteria for ACRS were never widened, as originally intended, leaving many women, girls and minorities at risk without a safe route of refuge. Do you agree that ACRS has not fulfilled its intentions? If so, why is it now appropriate to close it?

A9: Over 12,800 people have been successfully resettled under the ACRS since 2021. More than half of arrivals have been children, and a quarter women.

The Home Office will continue to consider those referrals under the Separated Families Pathway and issue decisions. We will honour our commitments to anyone found eligible. We will also honour our commitments to those who have already been found eligible for ACRS but are not yet in the UK.

Afghans who wish to settle in the UK can do so via the existing safe and legal routes available which allow a person to apply to work, study, settle, or join family in the UK. Further information can be found on the GOV.UK website: <https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

Q10: The submission argues (para 17) that the closure of ARAP/ACRS will lead to more Afghans seeking asylum via other routes. Is that also your assessment? Is the change likely to lead to higher overall costs for the Government?

A10: We believe that the ARAP scheme has fulfilled its original purpose. Those within scope of its assistance have already been/will subsequently be relocated to the UK. To keep ARAP open indefinitely would not have been a cost-effective mitigation to any potential increase from Afghan asylum seekers, given its very limited scope comparative to the wider population of Afghanistan.

As set out in the Explanatory Memorandum there is a risk that closure of ARAP will displace applications from the MOD to the Home Office, either in the form of asylum claims, considerations for leave outside the rules, or other applications on family and human rights grounds. Similarly, there is a risk that eligible individuals will remain at risk, or will seek to use irregular routes, including small boats, following the closure of ARAP. The latter would result in wider costs to Government. However, it is not currently possible to estimate these potential impacts.

Afghanistan Response Route

Q11: On the Afghanistan Response Route, what statutory backing does it have given that other schemes have needed legislative backing (in the immigration rules)?

A11: The ARR was set up as a discretionary policy which conferred 'leave outside of the rule' LOTR to eligible individuals. The Home Secretary holds an inherent power to grant leave to individuals and a wide discretion as to how this operates and is applied. This power is contained in Section 3 of the Immigration Act 1971 and it is under that power that the Indefinite Leave to Remain under this policy is granted.

Q12: Who was eligible?

A12: The ARR was a resettlement scheme specifically designed for people in the compromised dataset who were not eligible for ARAP but who were nevertheless judged to be at the highest risk of reprisals by the Taliban. It was initially established to resettle a target cohort of around 200 principals, but in early 2024 a combination of reasons broadened that category to nearly 3,000 principals.

Q13: How many people were assisted under it and how many were relocated to the UK (in addition to those arriving under other schemes)?

A13: In total, 3,400 people (principals and their families) have been resettled under the ARR, with a further 200 principals currently in transit and 600 principal offers which are to be honoured.

Q14: When did it open?

A14: The ARR was established in April 2024.

Q15: If it is closed, when and why did it close?

A15: In early 2025, the Government commissioned an independent review by retired senior civil servant and ex-Deputy Chief of Defence Intelligence, Paul Rimmer, of the policy, which, whilst acknowledging uncertainty in any judgements, concluded that it is now highly unlikely that merely being on the dataset would be in itself grounds for targeting.

As a result, on 4 July 2025, the Government decided to discontinue the ARR. The MOD ceased issuing new invitation letters and the route is not open to applications. The Ministry of Defence will honour the relocation of those individuals, and their immediate family members, who had already received an invitation letter to relocate subject to UK entry clearance checks.

Q16: Will there be people who may not previously have believed they were at risk (e.g. family members) and therefore did not apply under any schemes, but would now believe they are at risk because of their newly acquired knowledge of the data breach? If so, why is it appropriate that all the schemes have been closed?

A16: ARAP is not a risk-based scheme, but rather a debt of gratitude scheme which the MOD believe has now achieved its original purpose.

The decision to close ARAP on 1 July 2025 did not impact an eligible Principal's ability to make an application for their Additional Family Members (AFM) to relocate to the UK.

Q17: Does the forced return of people to Afghanistan create cases who may not have felt themselves previously at risk (and therefore did not apply), but now are? If so, again, why is it appropriate to close all the schemes?

A17: When ARAP was open, an application could have been made from anywhere in the world. It was open for over four years, during which time third countries, such as Pakistan and Iran, were pursuing policies of repatriation for those without settled status in those countries. Such policies existed well before the closure of ARAP, and applicants who felt they may have been at risk of repatriation would have had opportunity to put in an application to ARAP.

Q18: Is consideration of any types of cases (e.g Triples) being expedited as a result of the heightened risk arising from the data breach? If not, why is this not appropriate?

A18: Since ARAP's inception, MOD operated on a 'first in, first out' basis when processing applications. This means that those who applied first would have their decisions made first unless there was an impediment to decision making. Once HMG became aware of the data incident applications were triaged into two cohorts so impacted ARAP applications could be prioritised and considered ahead of non-impacted applications.

18 July 2025