

Written evidence submitted by Amnesty International

1. Amnesty International UK (AIUK) welcomes the Committee's inquiry into *Withdrawal from Afghanistan*; and the opportunity this provides for our following submission concerning two questions specified in the Committee's Call for Evidence:
 - a. What plans were made for the evacuation of Afghan nationals who had worked with or for UK Armed Forces?
 - b. How may UK nationals and Afghan nationals and families who worked with or for UK Armed Forces remain in Afghanistan? What can now be done to enable them to leave? What criteria will be used?
2. Our submission is set in the context of the Committee's wider terms of reference, which concern developments following the US-Taliban Doha Agreement of February 2020. It is important, in the context of these two questions, to avoid exclusive focus on Operation Pitting – the August 2021 emergency evacuation announced on 13 August, which began evacuations on 16 August and closed on 28 August. This is necessary to consider the following questions:
 - a. Whether the timing, design and implementation of rules by the Home Office, in conjunction with the Ministry of Defence, for relocation of locally employed staff and their family members following the Doha Agreement were adequate and appropriate?
 - b. Whether, and to what extent, locally employed staff and their family members, who were without an option to relocate to the UK prior to Operation Pitting, were by that time unable to leave despite being eligible for evacuation?
 - c. Whether, and to what extent, any other person who was or would have been eligible for evacuation could not be called forward during Operation Pitting because evacuation places were taken by people who would have left earlier but for any previous undue restriction upon relocation to the UK of locally employed staff and their family members?
3. Other than British nationals and their family members, the great majority of people evacuated during Operation Pitting were people eligible for relocation under the Afghan Relocation and Assistance Policy (ARAP). That scheme, which continues, constitutes both:
 - a. a significant expansion of the previous "intimidation policy" by which some locally employed staff were enabled to relocate to the UK¹; and

¹ <https://www.gov.uk/government/publications/supporting-uk-locally-employed-staff-in-afghanistan/supporting-uk-locally-employed-staff-in-afghanistan>

- b. a significant part of the UK's response to the anticipated and actual developments from the Doha agreement.
4. A short chronology of announcements and rules changes is provided in the following table:

27 July 2020	Defence Secretary and Home Secretary met to discuss rules concerning relocation to the UK of Afghan interpreters ²
19 September 2020	Defence Secretary and Home Secretary announced changes would be made to the immigration rules in October 2020 ³
1 December 2020	Changes to immigration rules were made by Statement of Changes in Immigration Rules (HC 813) ⁴
29 December 2020	Defence Secretary and Home Secretary announced changes would be made to the immigration rules in 2021 (this was the announcement of what is now ARAP) ⁵
1 April 2021	Changes to immigration rules were made by Statement of Changes in Immigration Rules (HC 1248) ⁶
4 August 2021	Defence Secretary and Home Secretary responded to an open letter and accepted certain inadequacies which would be remedied by changes to the immigration rules in the Autumn ⁷
6 October 2021	Changes to immigration rules were made by Statement of Changes in Immigration Rules HC 617 ⁸

5. As set out in the above chronology, ARAP was announced jointly by the Defence Secretary and Home Secretary on 29 December 2020 and introduced by immigration rules on 1 April 2021. One inadequacy that was the subject of an open letter from the former Head of the British Army, General The Lord Dannatt, was that ARAP (as its predecessors) only applied to

² This was reported by *The Times*: <https://www.thetimes.co.uk/article/afghan-translators-failed-by-hollow-promises-says-mp-8png3225m>

³ <https://www.gov.uk/government/news/more-afghan-interpreters-who-risked-their-lives-supporting-british-troops-to-begin-new-lives-in-the-uk>

⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929512/CCS001_CCS1020373376-001_Statement_of_changes_in_Immigration_Rules_HC_813_Web_Accessible_1_.pdf

⁵ <https://www.gov.uk/government/news/government-reforms-intimidation-scheme-to-relocate-more-afghan-staff-under-threat>

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966651/CCS001_CCS0221107260-001_Statement_of_changes_in_Immigration_Rules_PRINT_.pdf

⁷ <https://www.gov.uk/government/speeches/afghan-relocation-and-assistance-policy>

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1016555/E02669876_HC_617_Immigration_Rules_Web_Accessible.pdf

people who remained in Afghanistan. Given that a significant aspect of the new rules was to include eligibility for relocation on the basis of an imminent threat to life,⁹ it was especially concerning that the person would be required to remain in Afghanistan pending application under the scheme. That inadequacy was a significant factor in the response of the Home Secretary and Defence Secretary on 4 August 2021, which ultimately led to a change in the rules from 6 October 2021 to extend the scheme to people who had fled Afghanistan.

6. A Home Office policy statement in September 2021 stated:¹⁰

“16. Since the first ARAP flight on 22 June, around 7,000 Locally Employed Staff and their family members have been relocated to the UK. 1,400 former staff and families were relocated between 2013-2021 under the previous scheme for Afghan locally employed staff.”

7. This may be compared with the information provided by the Home Secretary and Defence Secretary in their joint letter to General The Lord Dannatt at the beginning of August 2021:¹¹

“Since 2014 we have relocated almost 1,400 LES and the families to the UK. In the past week alone we have relocated nearly another 1,400, but more must and is being done. In fact, we have now committed to relocate a further 500 families, or 2,500 people, as soon as possible and the scheme will remain open indefinitely thereafter for all those who qualify – there is no quota or cap on total numbers.”

8. It is unclear whether any assessment has been made by the Home Office (or Ministry of Defence or other Government department) as to what has been the consequence of time lags between identification of the need to extend eligibility for relocation in light of developments following the Doha Agreement, Ministerial decisions to do so, Ministerial announcements that this would be done and implementation of this including by necessary changes to the rules. At a minimum, it is clear there have been substantial time lags between announcements and changes to the rules. It appears at least likely that this has had the following consequences for at least some locally employed staff and their family members:

- a. Changes to rules have come too late for a locally employed staff member who has been killed during the interim;¹²
- b. Changes to rules have come too late for a locally employed staff member because developments in the interim have made it unsafe or impossible for them to access the relocation scheme (or the airport);

⁹ See paragraph 276BB1(iv)(c)(i) of the Immigration Rules

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1017133/210912_Afghan_policy_statement_.pdf

¹¹ <https://www.gov.uk/government/speeches/afghan-relocation-and-assistance-policy>

¹² Various media reports certainly provide some credence to these and related concerns.

- c. Changes to rules have come too late for a family member because their eligibility is dependent on the relocation of the locally employed staff member (or the family member has been killed or cannot now safely access the scheme); and
 - d. People, who ought to have been able to relocate, and would have relocated, before Operation Pitting, were among the emergency evacuees meaning the capacity to evacuate other eligible people was reduced.
9. AIUK is not in a position to assess the above. However, the implications of Home Office policy, procedures and rules – including with regards to matters that are acknowledged to engage responsibilities and aims of the Ministry of Defence (by being the subject of joint statements by the Home Secretary and Defence Secretary) – needs to be assessed in order to answer the Committee’s two questions set out at the start of this submission.

14th October 2021