



Home Office

Afghan Citizens Resettlement Scheme Pathway 1 Stage 2 Separated Families

Version 1.0

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About this guidance

This guidance instructs decision makers on how to consider referrals made under Afghan Citizens Resettlement Scheme (ACRS) Pathway 1 Stage 2: Separated Families.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you, or you think that the guidance has factual errors then email the Resettlement policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **30 July 2024**

Changes from last version of this guidance

This is the first version of this guidance.

Related content

[Contents](#)

Introduction

This guidance explains the eligibility criteria for family members under Afghan Citizens Resettlement Scheme Pathway 1 Stage 2: Separated Families.

You should read this guidance in conjunction with other key guidance products where appropriate. Relevant guidance products include:

- [Afghan Citizens Resettlement Scheme](#)
- Family reunion
- [Every child matters: statutory guidance](#)
- [Funding instruction: Afghan Citizens Resettlement Scheme and Afghan Relocation and Assistance Policy](#)
- [Annex FM 3.2: children guidance](#)
- Partners, divorce and dissolution
- DNA policy guidance
- [Immigration Rules Appendix FM: Family Members](#)

Background

The United Kingdom formally opened the Afghan Citizens Resettlement Scheme (ACRS) on 6 January 2022. The ACRS provides a safe and legal way for some of the most vulnerable and at-risk people from Afghanistan to come to the UK and rebuild their lives.

There is no application process for the ACRS. Instead, eligible people will be prioritised and referred for resettlement under 1 of 3 'pathways'. Further detail on the three pathways is set out here: [Afghan Citizens Resettlement Scheme](#).

This guidance refers to the second stage of Pathway 1 only.

Pathway 1 Stage 2: Separated Families

Operation PITTING was the biggest UK military evacuation for over 70 years and enabled around 15,000 people to leave Afghanistan and get to safety. Following rapid work by the Foreign, Commonwealth and Development Office (FCDO), Home Office, and Ministry of Defence (MoD) during Operation PITTING, we were able to 'call forward' a number of people for evacuation, in addition to the Afghan Relocations and Assistance Policy (ARAP) contingent and British nationals. These people were identified as being particularly at risk. They included female politicians, members of the LGBT+ community, women's rights activists and judges. This cohort make up Pathway 1 of the ACRS.

Due to the speed of the evacuation and chaos surrounding Kabul airport, some of those evacuated were separated from their immediate family members. The [Afghan Resettlement and Immigration Policy Statement \(ARIP\)](#) sets out that spouses, partners, and dependent children under the age of 18 of identified eligible individuals

will be eligible for relocation to the UK under Pathway 1 of the ACRS. Additional family members may be resettled in exceptional circumstances. This guidance sets out the detailed eligibility requirements for the family members of those who were evacuated under ACRS Pathway 1.

Terms

Immediate Family Member (IFM)

A spouse or partner, or dependent child under the age of 18 of someone evacuated in Operation PITTING under ACRS Pathway 1.

Further detail on immediate family members is set out under 'Eligibility'.

Additional Family Member (AFM)

Family members of evacuated individuals in addition to those deemed an 'immediate family member'.

An AFM may be considered for resettlement only in exceptional circumstances, as set out in this guidance. Further detail on AFM is set out under 'Additional family members'.

Related content

[Contents](#)

Related external links

[Afghan Citizens Resettlement Scheme](#)

[Afghan Resettlement and Immigration Policy Statement \(ARIP\) Afghanistan resettlement and immigration policy statement](#)

General principles

Anyone who is resettled through the ACRS including under ACRS Pathway 1 Stage 2: Separated Families will receive indefinite leave to enter (ILE) in the UK and will be able to apply for British citizenship after 5 years under existing rules.

ACRS P1 Stage 2: Separated Families is a 2-stage decision making process:

1. Home Office will assess referrals to determine whether an individual is eligible. Any offer of resettlement made by the Home Office, including as an immediate or additional family member, is contingent on the individual passing the necessary immigration suitability and security checks. Confirmation of eligibility does not constitute an immigration decision.
2. Eligible individuals will be sent a letter with the eligibility decision and instructions on what to do next. Once an eligible individual has exited Afghanistan, they will be supported by the International Organisation for Migration (IOM) with accommodation and food whilst they submit their entry clearance application and undertake further checks.

All individuals must have been granted entry clearance before they can travel to the UK.

Individuals in Afghanistan or elsewhere are not obliged to utilise this pathway. Those seeking to enter the UK on the basis of their family life can apply under other routes, for example, Appendix FM.

Policy intentions

The ACRS Pathway 1 Stage 2: Separated Families pathway is intended to reunite families unintentionally separated during the events of Operation PITTING. The pathway is intended to restore immediate family units that continue to subsist in the same make up as prior to evacuation.

Relevant legislation

All resettlement to the UK is at the government's discretion outside of the Immigration Rules. The policy on the overarching Afghan Citizens Resettlement Scheme was set out in the policy statement of September 2021, and this guidance sets out the policy on ACRS Pathway 1: Stage 2.

Whilst discretionary and outside of the Immigration Rules, the ACRS is not intended to undermine existing immigration routes. Therefore, where appropriate to fulfil the policy intention, references to existing definitions in the Immigration Rules and guidance have been made.

Child welfare

The duty in Section 55 of the Borders, Citizenship and Immigration Act 2009 (Section 55) to have regard to the need to safeguard and promote the welfare of children in the UK means that consideration of the child's best interests is a primary, but not the only, consideration for you the decision maker.

Although Section 55 only applies to children in the UK, the statutory guidance, (see other guidance [Every Child Matters – Change for Children](#), provides guidance on the extent to which the spirit of the duty should be applied to children overseas. When considering referrals for children out-of-country, you must adhere to the spirit of the Section 55 duty and make enquiries when you suspect there may be safeguarding or welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries. You must abide by these arrangements and work with local agencies to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

You must carefully consider all the information and evidence provided to ascertain how a child will be affected by a decision and this must be addressed when assessing whether an applicant meets the eligibility criteria. This could include cases where the child is making a referral on behalf of their parent, but also where children are already living in a UK household with an adult who is not their parent. You must carefully assess the quality of any evidence provided. Original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests. For all refusals of eligibility, the letter must demonstrate that all relevant information and evidence provided about the best interests of a child in the UK have been considered.

Where it is relevant to a decision, when considering referrals for children out-of-country you must make it clear in the refusal letter that the child's welfare has been considered in the spirit of section 55 without stating that it is a duty to do so.

Anyone deemed eligible for this pathway will be required to travel to a Visa Application Centre in order to undergo security screening and submit biometrics. Where beneficiaries of the pathway are unaccompanied children, you should ask the UK-based family member to identify an adult who will be chaperoning any unaccompanied children up until the point at which the unaccompanied children board their flights. Unaccompanied children should not travel to a third country without an adult chaperone.

Where the application involves the movement of an unaccompanied child from their country of habitual residence which is a non-1980 Hague Convention signatory country which the UK is not in force with, such as Afghanistan or Pakistan, the UK-based family member should seek confirmation that both parents are aware of the referral and that they do not have any safeguarding concerns with the child relocating to the UK.

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Referral process

The 3-month window to submit a referral opened on 30 July 2024 and closes on 30 October 2024.

There may be exceptional circumstances whereby an individual has legitimate reason why they were not able to submit a referral within the referral window, for example, where the UK-based family member has a serious medical condition and was undergoing treatment. In such cases, referrals may still be considered. This will be at the discretion of you, the decision maker with Senior Caseworker approval. Further information about the final closure of the referral window will be made available in due course.

Individuals do not have to satisfy additional requirements to be eligible under the pathway such as financial, accommodation, or English Language requirements. They also do not have to pay the Immigration Health Surcharge.

The UK-based family member is expected to secure appropriate accommodation for their arriving family members, however, eligibility and travel to the UK is not contingent upon accommodation being secured. We encourage Local Authorities to support UK-based family members in obtaining appropriate accommodation if required, more information on this is available through the funding instruction: [Funding instruction: Afghan Citizens Resettlement Scheme and Afghan Relocation and Assistance Policy \(publishing.service.gov.uk\)](#). You will need to inform the Local Authority where the referrer is living when an individual is found eligible, and when they are due to travel.

Related content

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Related external links

[Every child matters: statutory guidance](#)
[ACRS ARAP Integration funding 2023-24](#)

Eligibility

UK-Based family members

Only those who hold permission under ACRS Pathway 1 who were evacuated during Operation PITTING, are eligible to submit a referral on behalf of their IFMs or in exceptional circumstances AFM.

For the purpose of this policy, Operation PITTING is defined as the series of evacuation flights that took place between 13 August 2021 and 28 August 2021.

The ACRS Pathway 1 Stage 2 is an out-of-country pathway intended to reunite families who remain separated by the events of Operation PITTING. Individuals residing in the UK under other forms of leave will not be eligible to switch onto the ACRS via this Pathway.

Immediate family members

Pre-flight

All those family members detailed in the referral must be 'pre-flight'. This means the family unit must have been formed prior to the UK-based family member being evacuated to the UK under Operation PITTING. The exception to this is children born after the evacuation who should be treated as though they were part of the 'pre-flight' family unit.

A spouse or partner of the UK-based family member

The UK-based family member may refer one spouse or partner and only where they do not already have a spouse or partner in the UK. When determining whether the relationship is genuine and subsisting, you must be mindful that those who were evacuated during Operation PITTING may have lost contact for periods of time with the family members they were separated from. It is important to carefully consider all evidence available and any explanations regarding a lack of contact. The relationship must meet the definition set out in Appendix Relationship with Partner. For further information on assessing whether a relationship is genuine and subsisting, refer to the partners, divorce and dissolution guidance: Partners, divorce and dissolution.

Dependent children

To be considered as a dependent child, the child:

- must have been aged under 18 on the date of evacuation
- must not be leading an independent life, including where the child has turned 18 years of age since the date of evacuation

When considering referrals for dependent children under the age of 18, you should be aware that evidence of ongoing communication may be lacking due to the extended period of separation and consider evidence and individual circumstances carefully. At the same time, you must be satisfied that due regard has been given to the safety and wellbeing of children.

When considering out-of-country referrals you must adhere to the spirit of the Section 55 duty and make enquiries when you suspect that there may be safeguarding or welfare needs that require attention. You must carefully assess the quality of any evidence provided and original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests.

Where a parent is making a referral for unaccompanied children, if found eligible, they should identify an adult to chaperone the children. See 'child welfare' section for further details.

Dependent children aged over 18

There are some children that should have been evacuated with their family member but, due to the length of time since the evacuation, have since turned 18. These individuals are eligible so long as they have not formed their own independent family unit. Independent family unit in this context means that the applicant does not have a partner or children of their own.

Parents and siblings of those evacuated as children

There were some children who were unintentionally evacuated to the UK without their parents during Operation PITTING. These children are eligible to make a referral on behalf of their parents and any siblings under the age of 18.

Only those UK-based family members who were under 18 at the time of the evacuation are eligible to submit a referral for their parents and the dependents under 18 of their parents (the UK-based child's siblings) under this pathway. Any siblings who have formed their own independent family unit are not eligible.

Additional Family Members

Family members of the UK-based individual and / or their spouse / partner in addition to those deemed an 'immediate family member' are Additional Family Members (AFMs) and may be considered for resettlement only in exceptional circumstances, as set out in this guidance.

You should assess whether the individual is dependent on the UK-based family member, or their eligible spouse/partner, in circumstances that are exceptional enough to warrant resettlement alongside the wider family unit.

In particular, you should consider whether there are specific vulnerabilities or circumstances faced by an additional family member which have led to an

exceptional level of dependence on other eligible family members or the UK-based family member. In such cases, consideration of exceptional circumstances will include an assessment of the impact that relocation of others would have on the ability of the additional family member to obtain the required level of care in their current location and whether there is any other person who can reasonably provide it.

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Partners, divorce and dissolution

Consideration of eligibility

Official - sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official - sensitive: end of section

Standard of proof

The onus is on the UK-based family member to satisfy you that, on the balance of probabilities, their family member meets the eligibility requirements.

You must consider whether, considering all the available evidence, it is more likely than not that the UK-based family member and the family members detailed in the referral are related as claimed and, if a partner, they are in a genuine and subsisting relationship.

Supporting documentation

It is the responsibility of the UK-based family member to provide sufficient documentation to prove that they meet the identity and relationship criteria of the pathway. You must be mindful of the difficulties that people may face in providing documentary evidence of their identity and relationship or that it is subsisting. Those fleeing conflict zones or dangerous situations may not have time to collect supporting documents and may not realise they would be required, and it would not be reasonable to expect this. Additional guidance on this can be found in the Refugee Family reunion guidance: Family Reunion.

Requesting further documentation

If you are not satisfied with the documentation provided, you may request further information to support the referral. Requests for further evidence should take into consideration the current conditions in Afghanistan including the limited access to government verified documentation as well as the individual circumstances of the referred individuals.

You **should not** contact family members in Afghanistan. If further documentation is needed, you should always seek to obtain it via the UK-based family member.

If after requesting further documentation, you are still not satisfied with the evidence, you may arrange an interview with the UK-based family member.

DNA testing

The onus lies on the UK-based family member to provide sufficient evidence in the referral to prove their relationship and satisfy you that they are related as claimed. You must not require DNA evidence, but individuals can choose to volunteer DNA evidence, either proactively or in response to an invitation to submit further evidence. Where individuals choose not to volunteer DNA evidence, no negative inferences can be drawn from this.

Additional guidance and standards for secure collection of DNA can be found in the DNA Policy Guidance.

Confirmation of eligibility

Once eligibility is confirmed, eligible family members will need to travel to a Visa Application Centre and submit an entry clearance application, undertake security checks and enrol biometrics. Any offer on the ACRS is subject to these checks being successfully completed. Confirmation of eligibility does not constitute an immigration decision.

If referred individuals are children under the age of 18, caseworkers will need to follow up with the UK-based family member in order to confirm who will be accompanying the child or children until the point of departure. See 'child welfare' section for further information.

Rejection of eligibility

If a referral is not eligible for ACRS Pathway 1 Stage 2: Separated Families, a letter will be issued via email or post informing the UK-based family member of the outcome. The letter must state why a referral has been rejected.

Appeals and administrative review

This is not a human rights route and there is no right of appeal. This pathway is not in the Immigration Rules and the process and requirements set out in Appendix Administrative Review do not apply.

The rejection letter should include information on how to request a review of the eligibility decision within 28 days should the UK-based family member believe that a factual error has been made by the decision maker.

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Family reunion

DNA policy

Family Routes (once in the UK)

Individuals brought to the UK through Pathway 1 of the ACRS do not have refugee status and therefore are not eligible to sponsor family members under the Refugee Family Reunion policy.

Individuals may be eligible to apply to sponsor family members under the family Immigration Rules (Appendix FM), provided the requirements of the Rules are met. These Rules provide for a partner, dependent children and adult dependent relatives of a settled person to join them in the UK.

Where a valid application is made and the Immigration Rules under Appendix FM are not met, consideration is given to whether a grant of leave is warranted on the basis of exceptional circumstances under the Rules, or on the basis of compelling, compassionate grounds outside of the Immigration Rules.

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Leave outside the rules