

Afghanistan Relocation and Assistance Policy (ARAP)

Category Four (Cat 4) Operational Guidance – FCDO Sponsorship and Review

Case referral

Applications for relocation under ARAP will only come to the FCDO by referral from the MOD, where MOD assess that an applicant has claimed and evidenced work for, or a clear link to, the FCDO (or former DFID and/or FCO) in Afghanistan. This document should be read in conjunction with the FCDO Referrals Process Policy, which sets out in greater detail the process.

In short, the process to be followed for each referral route is set out below:

- 1) Online applications transferred to FCDO from MOD
 - Individuals may make an application through the ARAP website setting out their relationship with HMG and contribution made to the UK's mission in Afghanistan. The MOD ARAP team will identify cases with clear links to FCDO and refer them to FCDO for consideration.
 - MOD will refer cases for decision to the FCDO ARAP Cat 4 mailbox [\[REDACTED\]@fco.gov.uk](mailto:[REDACTED]@fco.gov.uk).
 - Where there is no clear link to FCDO work or objectives, the ARAP Policy Team will not take a substantive decision but will inform MOD that "From the information provided by the applicant we have been unable to undertake an assessment as to whether they meet Condition 1 of ARAP Category 4, with respect to FCDO. Therefore we have been unable to undertake an eligibility decision with respect to FCDO." MOD will then consider whether the case should be referred to any other department, and if not will issue a rejection letter to the applicant.
 - The ARAP Policy Team will not consider recommendations made by individual staff members. Applications must be made by the individual concerned.
 - The ARAP Policy Team will not communicate with FCDO or ex-FCDO staff members regarding the progress of individual applications but will work with them to establish claims to eligibility where necessary.
 - The FCDO will not proactively reach out to individuals who have not requested resettlement.

Considering the application

The decision on sponsorship should be based on the evidence as to whether the individual meets the eligibility criteria set out in the Immigration Rules. Each application must be decided on its own merits, and on a case-by-case basis.

The following questions and examples are intended to help caseworkers reach a reasoned assessment as to whether the eligibility criteria set out in the Immigration Rules have been met or not.

1. Has evidence been provided that the individual:
 - a) was directly employed by FCDO; or
 - b) provided goods or services in Afghanistan under contract to FCDO (or former FCO/DFID) or
 - c) worked in Afghanistan alongside, in partnership with, or closely supporting and assisting FCDO (or former FCO/DFID).

2. If yes, has evidence been provided that, working in the role described in a) above, the individual made a substantive and positive contribution to HMG's military or national security objectives (including counter-terrorism, counter narcotics and anti-corruption) with respect to Afghanistan? For example, has the individual worked in or with an HMG partner unit directly supporting/contributing to HMG Counter Terrorism or other national security objectives? These individuals may have been directly employed by the Government of Afghanistan, but most will have received additional pay or other remuneration from HMG for their contribution to UK objectives. Additional pay/remuneration will not be determinative either way.
3. If yes, has evidence been provided that this role has placed the individual at an elevated risk of targeted attacks or at high risk of death or serious injury or;
4. has the individual worked in a particularly sensitive role which has granted them access to "information the disclosure of which would give rise to or aggravate a specific threat to the UK Government or its interests".

Applicants must meet BOTH conditions 1 and 2, and one or both of conditions 3 and 4 to be eligible

- Evidence of risk to life on its own is not sufficient to meet the eligibility criteria unless 1 and 2 are also met i.e. the risk must be directly as a result of the role for, with or alongside FCDO.
- If condition 1 is not met, no further consideration should be given to the case by FCDO.
- If conditions 1 and 2 are not met, then FCDO decision makers will not consider conditions 3 and 4.

Condition 1

- The Immigration Rules state that applicants "on or after 1 October 2001 were directly employed in Afghanistan by a UK Government department; provided goods or services in Afghanistan under contract to a UK Government department; or worked in Afghanistan alongside a UK Government department, in partnership with or closely supporting and assisting that department".
- The key test is whether there is a direct involvement with or work alongside FCDO (or former FCO/DFID) activity in Afghanistan. For example, this might be through employment at the Embassy, as a contractor on an FCDO (or former FCO/DFID) funded contract or through a regular and close association with the FCDO in Afghanistan, directly enabling delivery of UK objectives. Someone whose role aligned with UK interests and objectives e.g. on rule of law but where there was no direct support or assistance provided to FCDO, is unlikely to meet condition 1.

Condition 2

- The applicant must have made a "substantive and positive contribution to the UK's military objectives or national security objectives (which includes counter-terrorism, counter-narcotics and anti-corruption objectives) with respect to Afghanistan".
- Where there is evidence of work for, with or alongside FCDO (or former FCO/DFID) that meets Condition 1 but the applicant's role did not have a clear and specific national security objective (which includes counter-terrorism, counter narcotics or anti-corruption) with respect to Afghanistan, and/or that role was not directly linked to their relationship with the FCDO under Condition 1, then that role is unlikely to give rise to eligibility. An example would be a judge or prosecutor, employed by the government of Afghanistan and who had a close working relationship with the FCDO by reason of their contribution to UK rule of law objectives, but who was concerned with normal criminal matters rather

than national security objectives. By way of example, if a specialist judge heard only or primarily national security cases, that might indicate this part of the criteria is fulfilled.

- Where there is evidence of work for an FCDO (or former FCO/DFID) funded programme that meets the criteria of Condition 1 (b), but, for example, HMG programme/project documentation (such as business case or tender documents) does not identify one or more of the UK's national security objectives (which includes counter-terrorism, counter narcotics or anti-corruption), with respect to Afghanistan, as a strategic reason for developing the programme, and does not explicitly name and include those objectives in programme objectives and outputs, then work for that programme/project is unlikely to meet the definition of having made a substantive and positive contribution to those objectives. An example would be FCDO funded humanitarian or human rights programmes, such as the Gender Based Violence Response Service programme.
- Applicants who worked with HMG in sensitive operational roles on national security issues, for example judges, prosecutors, or investigators working on counter-terrorism, counter-narcotics or corruption cases, are likely to meet condition 2. Individuals working on FCDO-funded development, governance or human rights projects are unlikely to meet this condition.

Condition 3

- Condition 3 states that “because of that employment or work or provision of services, the person is or was at an elevated risk of targeted attacks and is or was at a high risk of death or serious injury”.
- Evidence can be drawn from a range of sources including **MOD Assessments**, open-source reporting, and information about the applicant's specific circumstances. For example, evidence that individuals occupying particular types of role face a higher threat could be used to demonstrate that the applicant's role has placed them at elevated or high risk.

Condition 4

- Condition 4 states that the eligible applicants must “hold information the disclosure of which would give rise to or aggravate a specific threat to the UK Government or its interests”.
- Where relevant, FCDO decision makers should attempt to confirm the factual validity of an applicant's claim (e.g. corroborating employment records or ensuring appropriate evidence has been provided). They should consult HMG colleagues currently working on the policy areas and/or previously working in Afghanistan on the issues raised to assess the veracity of any claim in relation to this condition.

ARAP Policy Team decision

Evidence should be considered in full and on a case by case basis by the decision maker, and recorded on the ARAP Decision Template. Decision makers should seek legal advice, having first consulted the APD Litigation Team, if there are any concerns arising from the application of the tests for eligibility which requires legal analysis.

Panel decision

A panel may be convened by the ARAP Policy Team to endorse or reject recommendations on complex cases. This will be comprised of a Grade 6 chair of the panel and two other members of staff (Grade 6 or 7) from Resettlement Department.

- The panel will review recommendations prepared by the ARAP Policy Team.
- The ARAP Policy Team may provide contextual evidence or briefing to support their recommendations (e.g. recent threat assessments).
- Discussions will typically take place at [REDACTED] level but may occasionally need to take place at a higher classification depending on the sensitivity of specific cases.
- The panel may request further evidence from the ARAP Policy Team (or, if necessary, from the applicant) if the evidence provided is not felt to be a sufficient basis for endorsement. In this case the same panel members should reconvene to review the new evidence. The panel can also fully reject the recommendation.
- If the panel endorses the recommendation then the ARAP Policy team will take the steps outlined below.

Next steps

- 1) The ARAP Policy Team will seek FCDO Ministerial approval for all approval recommendations. FCDO Ministerial approval is the final decision point for approved cases.
- 2) The ARAP Policy Team will not seek Ministerial approval for cases they decline to sponsor.
- 3) The ARAP Policy team will communicate all case outcomes to MOD, including non-sponsorship decisions. MOD will communicate with the applicant.
- 4) For sponsorship recommendations, the ARAP Policy Team should email the relevant Ministerial submission, annexes and record of Ministerial approval to the MOD (exact detail TBC).

Reviews

Applicants may request a review of rejection decisions. The rejection letter issued by MOD will provide information on how to do this. Applicants can request a review if they believe the decision was not made in accordance with the policy, or if they can supply new evidence to support their case.

MOD will triage review requests and where necessary, transfer them to the department which made the original sponsorship decision with a request to review. Requests of the FCDO should be sent to [REDACTED] [@fcdo.gov.uk](mailto:[REDACTED]@fcdo.gov.uk).

- FCDO ARAP Policy Team may consider any request for review, and where accepting a request, will consider all the available evidence to decide whether the original decision was made in error or whether additional information provided amounts to sufficient additional evidence to overturn the original decision. Review panels will be convened where necessary for complex cases.
- The ARAP Policy Team will inform MOD of the outcome, who will communicate with the applicant.