

# Nationality and Borders Bill

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AMENDMENT

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Fifth Marshalled List]*

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Amendment  
No.

After Clause 78

BARONESS D'SOUZA

193A★

Insert the following new Clause –

**“Afghan relocation and assistance**

- (1) Within 30 days of this Act being passed, the Secretary of State must amend part 7 of the immigration rules in accordance with subsections (2) to (6).
- (2) Immigration rules must be amended so that for paragraph 276BB3 there is substituted –

“276BB3 A person falls within this paragraph if:

- (i) at any time on or after 1 October 2001, the person:
  - (a) was directly employed in Afghanistan by a UK government department; or
  - (b) provided goods or services in Afghanistan under contract to a UK government department (whether as, or on behalf of, a party to the contract); and
- (ii) because of that employment or provision of goods or services, the person’s life or safety is at real risk.”

- (3) Paragraph 276BB4 must be omitted.

- (4) Immigration rules must be amended so that for paragraph 276BB5 there is substituted –

“276BB5 A person falls within this paragraph if the person meets conditions 1 and 2 and one or both of conditions 3 and 4. For the purposes of this paragraph:

- (i) condition 1 is that at any time on or after 1 October 2001, the person worked in Afghanistan alongside a UK government department, in partnership with or closely supporting and assisting that department;
- (ii) condition 2 is that the person, in the course of that work, made a substantive and positive contribution towards the achievement of:

**After Clause 78 - continued**

- (a) the UK government's military objectives with respect to Afghanistan;
  - (b) the UK government's national security objectives with respect to Afghanistan (and for these purposes, the UK government's national security objectives include counter terrorism, stabilisation, counter-narcotics and anti-corruption objectives); or
  - (c) the UK government's human security objectives with respect to Afghanistan (and for these purposes, the UK government's human security objectives include interventions to reduce violence, ensure basic security and promote human rights and the rule of law);
- (iii) condition 3 is that because of that work the person is or was at high risk of death or serious injury;
  - (iv) condition 4 is that the person holds information the disclosure of which would give rise to or aggravate a specific threat to the UK government or its interests."
- (5) The Secretary of State must amend paragraph 276BB2 to take account of subsections (2) to (4).
  - (6) Immigration rules must secure that there is a route for additional family members of locally employed staff to apply in exceptional circumstances for relocation, and ensure this is no less favourable than that contained in the Home Office's 'Additional guidance on the eligibility of additional family members under the Afghan locally employed staff relocation schemes', published on 4 June 2021.
  - (7) The Secretary of State must adopt the exclusion criteria set out in Article 1F of the 1951 Refugee Convention and as implemented in UK law for those who are otherwise eligible for the Afghan Relocations and Assistance Policy Scheme, and provide independent and transparent due process guarantees for exclusion, including disclosure of relevant information and evidence and rights of appeal."

***Member's explanatory statement***

*This new Clause would expand eligibility for ARAP by amending the Immigration Rules. It would insert into the Rules a relocation route for additional family members, which can be no less favourable than the current Home Office guidance, and limit the basis on which persons, who would otherwise be eligible for relocation under ARAP, can be excluded from the scheme.*

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*9 February 2022*

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