

**North Yorkshire County Council**

**Executive Member for Stronger Communities**

**14 February 2023**

**Afghan Relocations and Assistance Policy: use of additional MOD properties**

**Report of the Assistant Director – Policy, Partnerships and Communities**

**1.0 Purpose of Report**

- 1.1 To consider the Ministry of Defence's offer to provide additional temporary homes in North Yorkshire for eligible Afghan citizens currently residing in Afghanistan or in third countries seeking relocation to the UK under the Afghan Relocations and Assistance Policy.

**2.0 Background**

- 2.1 The Afghan Relocations and Assistance Policy (ARAP) is for Afghan citizens ('Locally Employed Staff') who worked for or with the UK Government in Afghanistan in exposed or meaningful roles. It includes the offer of relocation to the UK for those deemed eligible. The policy was implemented in April 2021 to reflect the deteriorating situation in Afghanistan and consequent 'serious risk to life' of Afghan Locally Employed Staff (LES).
- 2.2 Afghan citizens who are eligible for relocation to the UK under the ARAP may relocate with a partner, dependent children and additional family members who are also deemed eligible for relocation. Those arriving in the UK under the scheme are granted indefinite leave to remain. There is currently no end date for the scheme.
- 2.3 Following the announcement that NATO military forces would withdraw from Afghanistan, the UK government accelerated the pace of relocations under the ARAP. In August 2021 British military personnel arrived in Afghanistan as part of Operation Pitting to evacuate British and eligible Afghan nationals from Kabul following the rapid insurgency of the Taliban to take control of Afghanistan. Over 15,000 eligible Afghans and British nationals were evacuated during Operation Pitting<sup>1</sup> (13 August to 28 August 2021).
- 2.4 The chaotic nature of the evacuation and the apparent failure of intelligence and contingency planning<sup>2</sup> concerning the speed and impact of the Taliban insurgency, led to several thousand people who had worked alongside the British authorities left stranded in Afghanistan after the 31 August 2021 deadline set by President Biden for US troops to withdraw had passed.

<sup>1</sup> [Afghan Resettlement Programme: operational data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/afghan-resettlement-programme-operational-data)

<sup>2</sup> [Missing in action: UK leadership and the withdrawal from Afghanistan - Foreign Affairs Committee \(parliament.uk\)](https://www.parliament.uk/business/committees/committees-a-z/foreign-affairs-committee/publications-and-reports/missing-in-action-uk-leadership-and-the-withdrawal-from-afghanistan/)

- 2.5 The Taliban takeover of Afghanistan has since led to the collapse of public services and deepening economic crisis, compounded by 45 years of conflict, natural disasters, chronic poverty, corruption, and food insecurity.
- 2.6 An estimated 24 million people (over half the population) require vital humanitarian relief<sup>3</sup> and 18.9 million people are experiencing acute food shortages including 6 million on the edge of famine.<sup>4</sup> An estimated 3.5 million people are internally displaced in Afghanistan and 5.7 million Afghans and host communities are in neighbouring countries.<sup>5</sup> Women and girls have lost many of their fundamental human rights. There have been Taliban reprisals against persons identified as having worked for the previous Afghan regime and there are reports of those eligible to come to the UK remaining in hiding for fear of being captured, tortured, and even killed<sup>6</sup>.
- 2.7 North Yorkshire County Council in partnership with Craven District Council, Hambleton District Council, Harrogate Borough Council, Richmondshire District Council and Selby District Council has relocated 132 persons (29 families) since August 2021, representing under 1% share of the maximum anticipated final number of Afghan ARAP evacuees based upon arrivals to date and those eligible to come to the UK under the scheme. A mix of council/social housing, private rented and temporary housing provided by the Ministry of Defence has been used.
- 2.8 The pace of arrivals for Afghans evacuated to the UK after Operation Pitting has been much reduced due to the difficulties that Afghans face crossing the Afghan border into neighbouring countries to seek UK consular support. The UK government also no longer provides consular support within Afghanistan.
- 3.0 Existing accommodation routes for Afghan evacuees: bridging accommodation and formal offers of permanent housing from local authorities**
- 3.1 The families who arrived in the UK prior to the commencement of Operation Pitting on 13 August 2021 stood a significantly higher chance of being offered permanent housing shortly after arrival than did their counterparts who arrived under Operation Pitting. Subsequently, the high number of people arriving under Operation Pitting and in such a concentrated period meant that it was not possible to provide housing to most of those families shortly after arrival. A significant number of local authorities outside of the Yorkshire and Humber region had also not agreed to take part in the scheme at that point. The Home Office was left with few options but to use temporary accommodation (chiefly hotel 'bridging accommodation'<sup>7</sup>) to accommodate the Afghan arrivals whilst permanent housing was found.
- 3.2 As of 24 November 2022, 22,833 people had arrived in the UK from Afghanistan including British Nationals.<sup>8</sup> Of that number 11,600 people had been relocated to the UK under the ARAP scheme (including during the August 2021 evacuation).<sup>9</sup> 9242 people remained in bridging accommodation in the UK. 7,572 people had been moved into a home (this figure does not include families who had made their own accommodation arrangements), with 779 people matched to a home and waiting to move in.<sup>10</sup>

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<sup>3</sup> [UNHCR - Afghanistan emergency](#)

<sup>4</sup> [WFP at a glance | World Food Programme](#)

<sup>5</sup> [UNHCR - Afghanistan emergency](#)

<sup>6</sup> [How UK's broken promises have left Afghans living in terror for a year and counting | The Independent](#)

<sup>7</sup> 'Bridging accommodation' includes all accommodation procured by the Home Office for the purpose of providing temporary accommodation for those brought over to the UK because of events in Afghanistan following the fall of Kabul in August 2021.

<sup>8</sup> [Afghan Resettlement Programme: operational data - GOV.UK \(www.gov.uk\)](#)

<sup>9</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-9307/>

<sup>10</sup> [Afghan Resettlement Programme: operational data - GOV.UK \(www.gov.uk\)](#)

- 3.3 The longer than anticipated use of hotels as bridging accommodation and lack of progress in resolving barriers to finding suitable long-term accommodation has hindered the effective integration of the families into British society.<sup>11</sup> The use of bridging accommodation has also come at considerable cost to the taxpayer. Consequently, the Home Office is seeking to move away from using bridging accommodation to securing property offers prior to eligible families travelling to the UK. The number of hotels was reduced from 84 in October 2021 to 63 by November 2022.<sup>12</sup>
- 3.4 Since May 2022, the Home Office provides Afghan households in bridging accommodation with a maximum of two appropriate offers of accommodation. If both offers are rejected without good reason, the Home Office gives a minimum of 56 days' notice for the household to leave the bridging hotel. Households are required to seek to make their own accommodation arrangements or to consent to a referral to a local authority (on behalf of the Home Office) for assessment of duties owed to them if homeless. This approach has reduced the number of households rejecting housing offers. However there has continued to be a shortage of suitable housing offers and large families remain difficult to place.
- 3.5 The shortage of housing offers from local authorities has meant that for families remaining in bridging accommodation, the Home Office has increasingly been encouraging local authorities with bridging accommodation in their area to support those families to find their own accommodation in the private rental sector. This can include utilising the Home Office grant to support a household into private rented accommodation by funding deposits, letting fees, and providing other landlord incentives. The large size of Afghan families by UK standards poses a significant barrier, as has a reluctance amongst some families to move to areas where they have no connection to family or friends. Private landlords are also often reluctant to accept families who are not in employment, have no guarantor and face language barriers.

#### **4.0 Use of additional Ministry of Defence empty homes in the UK for ARAP families currently not in the UK**

- 4.1 The MOD estimates that there are still around 4,600 Afghans (including dependants) eligible for relocation under the ARAP scheme. Around 1,600 of those have already received a relocation offer, of whom around 625 have already left Afghanistan for a third country. Not all remaining eligible persons are expected to take up the offer of relocation, especially if they have already settled in another country. The MOD is prioritising finding the remaining eligible people.<sup>13</sup>
- 4.2 The MOD offered the use of some of its vacant Service Family Accommodation (SFA) properties early in the evacuation process in 2021 to help move families out of the bridging accommodation. At that time North Yorkshire utilised nine of those properties in Richmondshire district.
- 4.3 The MOD is now offering additional empty SFA properties in various parts of the UK to accommodate eligible Afghan families still stranded in Afghanistan or in third countries. The intention is to try to ensure that more families who qualify under the ARAP who are currently living in Afghanistan or third countries, can still come to the UK at a time that the Home Office is seeking to reduce and ultimately end the use of bridging accommodation.
- 4.4 The MOD has recently offered a further 38 SFA properties in North Yorkshire for families who qualify for the ARAP but who are not currently living in the UK. 25 of the properties are

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<sup>11</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-9307/>

<sup>12</sup> [Afghan Resettlement Programme: operational data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/research-data-and-analysis/afghan-resettlement-programme-operational-data)

<sup>13</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-9307/CBP-9307.pdf>

in Catterick Garrison. Of the remaining locations in the county most are in remote rural areas and/or where there is no history of previous refugee resettlement.

- 4.5 In assessing the offer, existing pressures on local services in particular school places, access to services and staff resources have been considered by County Council staff. The presence of existing volunteer support groups and other infrastructure in the area including venues for the English classes has also been factored in, as have existing refugee resettlement demands in the county on the housing supply. Taking the above into account, a maximum of 10 additional Afghan households, utilising a mix of three and four bedroomed empty SFA properties in Catterick Garrison would be manageable. Arrivals would need to be no earlier than summer 2023 to give sufficient preparation time.
- 4.6 The MOD Sub Underlease agreement ('the lease') is attached at **Appendix 1**. It is a standard lease agreement provided for all MOD SFA properties accommodating Afghan LES and their families. The MOD will not make local variations to the clauses in the lease, other than to accommodate requests from the local authority to extend the length of the lease beyond the initial 12 months term up to a possible maximum of five years depending upon MOD housing pressures at the time. The MOD would be 'the Landlord' and the local authority would become 'the Tenant'. A list of Questions and Answers is attached at **Appendix 2**. The MOD has since confirmed that the latest offer of additional SFA properties is specifically for eligible Afghan families currently not residing in the UK. This is an update to the information in Appendix 2 which refers to the use of the SFA being for families in bridging accommodation in the UK.

#### Benefits:

- 4.7 Families would be required to accept the offer of SFA properties before coming to the UK. This reduces the risk of them failing to move-in to the property unlike has been the case with some families placed initially in bridging accommodation.
- 4.8 The use of empty SFA properties means that it is not putting an immediate strain on the general housing supply in the UK.
- 4.9 Families can move straight into housing upon arrival in the UK, which is more likely to help rebuild their lives quicker than they could do in a bridging hotel.
- 4.10 The government intends to wind down the bridging accommodation estate and there is a shortage of immediate housing offers from local authorities. There are also challenges to securing affordable private rented properties for this client group when first arriving in the UK.
- 4.11 Using the SFA properties as a first step could be seen as helping to meet a collective moral responsibility across British authorities to provide sanctuary for people who worked to support the UK in Afghanistan, at some risk to their own lives. Afghan LES and their immediate families remaining in Afghanistan now face even greater risks to their lives, whilst many of those who have fled to neighbouring countries have a lack of foreseeable alternative durable solutions in those countries and could be at risk of being deported back to Afghanistan.<sup>14</sup>

#### Issues and Risks:

- Finding move-on permanent properties

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<sup>14</sup> [UNHCR - News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most](#)

- 4.12 The new unitary North Yorkshire Council would be responsible for finding permanent affordable homes in the county for the families occupying the SFA properties and would need to do so in good time before the lease term expired. Some families however might wish to make their own arrangements to find move-on accommodation, especially if they wanted to move outside of North Yorkshire.
- 4.13 Richmondshire District Council has calculated that it could take up to 24 months to move the existing nine Afghan families from the temporary SFA properties into affordable permanent housing in the local area. Of the current families, at least six families are likely to remain living in the local area and to date four permanent replacement properties have been found within Richmondshire district's boundaries. Families requiring four-bedroom replacement properties will be particularly difficult to re-house. Richmondshire District Council's housing department is concerned about the subsequent impact of re-housing additional Afghan families, especially if the focus is on finding permanent housing in the local area.
- 4.14 The inception of the new unitary council for North Yorkshire on 1 April 2023 would subsequently provide opportunities to permanently re-house the additional households across a much wider geographical area of the county, rather than searching for properties chiefly within Richmondshire district's boundaries. There are however housing pressures building up across the county in relation to growing levels of local homelessness and long housing waiting lists. These factors could hinder the pace of implementing any move-on plans.
- Legal costs
- 4.15 There is the risk that families could refuse to move out of the SFA properties at the end of the agreed lease period with the MOD. To try to mitigate this risk Richmondshire District Council has put in place a weekly periodic temporary non-secure tenancy, as attached at **Appendix 3**. This provides the local authority with maximum flexibility to determine when families should move out. Non-secure tenancies do not have the same rights as flexible fixed term or secure tenancies. In turn, Richmondshire District Council signed an initial 12 months' lease with the MOD and has renewed it for a further 12 months. Renewal of the lease for a further 12 months' (Year 3) might be required in relation to some of the properties.
- 4.16 From the outset the existing Afghan families have been made aware that the SFA properties are for temporary use only and they will be required to move out as and when the district council finds suitable permanent housing for them. Housing briefings are currently being held with the existing families to manage expectations, explain about the move-on process and the district council's responsibility in discharging its homelessness duties. These briefings would be arranged for the additional families. The non-secure tenancy agreements are translated into the families' native languages and signed by the adults upon arrival so that they are cognisant of their rights and responsibilities in residing in the MOD properties.
- 4.17 The local authority would incur legal costs in evicting the families from the MOD properties if they refused to move out after their tenancy had been terminated. The legal costs would need to be paid from the Home Office grant. If a family did not accept an offer of suitable accommodation from the local authority, homelessness legislation would apply. A refusal would be seen as a refusal of a suitable offer of accommodation, and the Housing Options team would have discharged their duty to that family.
- Failure of the families to pay rent on the properties

- 4.18 The lease requires 'the Tenant' (the local authority) to pay the rent for the properties monthly. In turn Richmondshire District Council in its weekly periodic temporary non-secure tenancy requires the occupier (tenant) to pay the rent every week, and to ensure that those payments are made on time. As with the existing families, new arrivals would receive Universal Credit payments. The annual rent is £5000 per annum, which is comfortably below the local housing allowance rates for the area for private rented properties.
- Repairs and maintenance costs and liabilities
- 4.19 The lease transfers liability to the local authority to maintain and repair the properties. The MOD is not required to transfer the properties over to the local authority in a move-in, good condition. Richmondshire District Council undertook visual inspections of the SFA properties used to date prior to signing the leases but recommends that if additional properties are used full surveys should be undertaken to highlight any defects. With hindsight the visual inspections were not sufficient.
- 4.20 As time passes, repair requests from the households may become more frequent. To try to mitigate this, expenditure on repairs is undertaken for urgent repairs only to avoid the budget being spent on minor snagging issues. Richmondshire District Council has set aside a funding reserve for each property to cover the costs of repairs and maintenance. It would be advisable to do the same for any further SFA properties used. The funding would be paid from the Home Office grant provided to the local authority.
- Insurance costs
- 4.21 The lease requires the local authority to maintain and insure the properties at its own cost. This includes indemnifying the MOD in relation to damage caused to the properties directly or indirectly by the occupation of the properties.
- Community tensions
- 4.22 There is a risk of community tensions arising in view of the families being accommodated in MOD properties, albeit empty ones, and then being offered permanent affordable housing. Mitigations to be put in place would include avoiding placing families in areas where community tensions are likely. North Yorkshire Police would undertake a postcode check on the area that the property is located to highlight any relevant historical community tensions and race-related problems before the property is accepted. Subsequently should community tensions occur, communications including press releases would need to be managed in partnership between the local authority, North Yorkshire Police, and the Garrison.
- 4.23 Securing the move-on permanent properties across a wider area than Richmondshire district's boundaries would help to minimise community tensions in the longer term. However, to reduce the families' loneliness and isolation in their 'move-on' areas, replacement properties would need to be found in the county's towns where there are already Afghan families living there on a permanent basis. Historically, those towns have been chosen for permanent resettlement due to their higher population size and good access to services.
- 4.24 Utilising the Home Office grant provided to local authorities, three years integration support would be provided to the families if they stayed in the county for that duration. This includes Refugee Council commissioned support to provide general support and signposting to services; Adult Learning English language classes and employability support; and a support package provided to schools by the local authority's Minority Inclusion



Support Team. The Home Office provides separate funding to the Integrated Care Board for primary and secondary healthcare.

## **5.0 Financial Implications**

5.1 Funding is in the form of a grant agreement between the UK Government (the 'Authority') and participating local authorities.<sup>15</sup> The ARAP is wholly grant funded by the UK government and so it is not anticipated that there will be a call on expenditure from North Yorkshire Council's budget.

## **6.0 Legal Implications**

6.1 Local authorities participating in the ARAP scheme are required to meet the obligations set out in the Home Office Funding Instruction.<sup>16</sup>

## **7.0 Consultation Undertaken and Responses**

7.1 The Assistant Director - Policy, Partnerships and Communities has consulted with the Executive Member Portfolio Holder and North Yorkshire County Council's Leader on the MOD's latest offer.

7.2 Richmondshire District Council has been consulted to establish resourcing pressures and North Yorkshire County Council School admissions has been consulted to establish school place pressures in the areas where the MOD properties have been offered.

7.3 Consultation will take place with the Corporate Director - Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services) in respect of the MOD's Sub Underlease Agreement.

## **8.0 Impact on Other Services/Organisations**

8.1 In general because of current economies of scale, the existing resources being used for the refugee resettlement programme in the county could be used to support the additional 10 households. However, some additional resources or staff time would be required as follows, especially if all 10 properties were utilised:

- An additional Adult Learning English language teacher employed on a pro-rata basis (funded from the Home Office grant to local authorities).
- Additional staff time/resource required in the local authority's housing department. This would include preparing the properties for arrival, responding to repair issues, maintaining the tenancies with the households and the lease with the MOD.
- Move-on support arrangements to be put in place by the housing department for the families wanting to remain in North Yorkshire. This would include finding replacement properties in the county and supporting the households to move into those properties.

8.2 Participation in the ARAP scheme is not intended to replace the joint commitment made by North Yorkshire County Council and district councils to resettle 200 persons by 2024 under the United Kingdom Resettlement Scheme. Starting in February 2021, North Yorkshire has to date resettled 147 persons under that scheme, with a further 13 persons (three families) accepted for arrival by late spring.

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<sup>15</sup> [Afghan relocation and assistance: funding instruction - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/90442/Afghan_relocation_and_assistance_funding_instruction.pdf)

<sup>16</sup> [Afghan relocation and assistance: funding instruction - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/90442/Afghan_relocation_and_assistance_funding_instruction.pdf)

## 9.0 Reasons for Recommendations

- 9.1 A collaborative, cross-government approach has been put in place to support the effective integration of the Afghan families eligible to come to the UK under the ARAP.
- 9.2 Several thousand people eligible to come to the UK under the ARAP remain in Afghanistan or have fled to third countries. Consequently, the UK Government is continuing to ask for local authority support and assistance to fulfil a moral obligation to support those who served the UK in circumstances where they risked their own lives and where their lives are now at even greater peril following the Taliban takeover of Afghanistan.

## 10.0 Recommendations

10.1 That the Executive:

- (i) Approves in principle the use of 10 additional SFA properties in Catterick Garrison for eligible Afghan citizens currently residing in Afghanistan or in third countries seeking relocation to the UK under the ARAP.
- (ii) Agrees to acquire the leases from the MoD as set out in paragraph 4.5 on terms to be agreed by the Corporate Director - Strategic Resources.

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6 February 2023

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### Background Documents:

- [Afghan Relocations and Assistance Policy: further information on eligibility criteria, offer details and how to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/afghan-relocations-and-assistance-policy)
- [Afghanistan resettlement and immigration policy statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/afghanistan-resettlement-and-immigration-policy)

### Appendices:

- Appendix 1: Ministry of Defence Sub Underlease Agreement
- Appendix 2: Q&A: Service Family Accommodation (SFA) properties for Afghan families
- Appendix 3: Richmondshire District Council Non-Secure Tenancy Agreement