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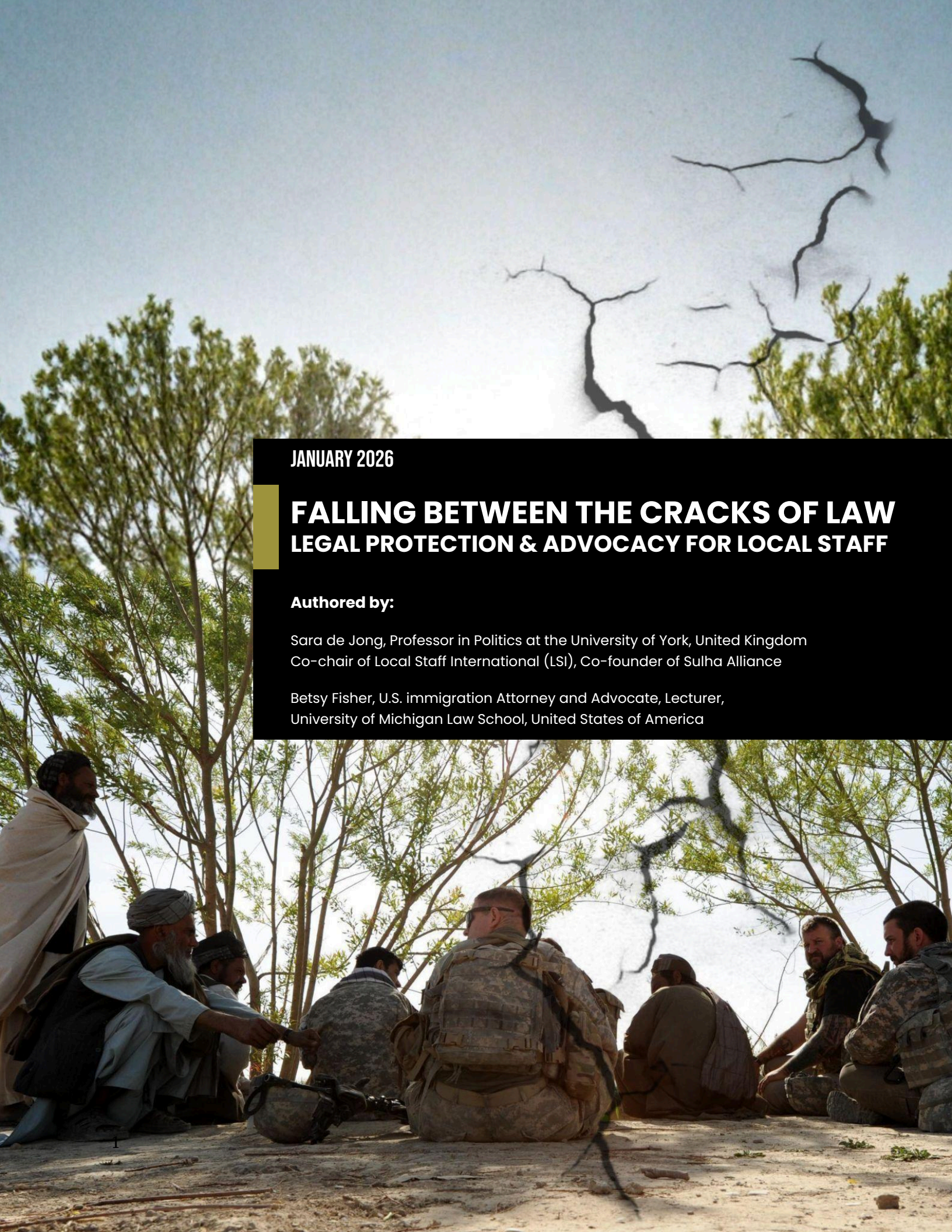

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FALLING BETWEEN THE CRACKS OF LAW
LEGAL PROTECTION & ADVOCACY FOR LOCAL STAFF

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Front cover: A Human Terrain Team consisting of U.S. soldiers and civilians, along with an Afghan interpreter, meets with local citizens in a village near Kandahar Air Base, Afghanistan, April 3. HTTs interact with local citizens to gain knowledge that can help coalition forces create a stable environment and learn on how to conduct future military and humanitarian operations. (Photo by Staff Sgt. Stephen Schester)

INTRODUCTION

Few military, humanitarian, development, or diplomatic missions take place without the support of locally employed civilians—referred to in this report as Local Staff.[1] Governments often employ Local Staff in their embassies and with internationally deployed military.[2] These Local Staff have proven time and again to be indispensable for the success of such missions. As noted in a lawsuit brought in Canada, Local Staff often face similar exposure to danger and trauma as internationally deployed armed forces but have significantly fewer protections than international staff.[3] However, there is no clear and consistent legal framework establishing the status, rights, and avenues for protection of Local Staff. Humanitarian workers and journalists, some of whom are locally recruited personnel, enjoy protected status under international law;[4] other Local Staff, including those supporting military missions, do not.

In their employment, Local Staff often face physical and/or psychological injury because of the nature of their work or significant threats because of their association with foreign governments.[5] In the contexts of Iraq and Afghanistan, Local Staff have been subject to numerous targeted killings. But there are also earlier examples, such as the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the Stabilization Force (SFOR), where Local Staff position was precarious.[6]

All too often, despite the exposure to significant harms, Local Staff fall between the cracks of different bodies of law, including immigration law, international law including asylum and nondiscrimination, employment and labor law, government transparency law, and data protection obligations.

Moreover, these staff were (or are) employed by foreign governments, businesses, or NGOs but - during their employment - remain in their countries of nationality. This means that there is often a question of whether the law of the host country or the employing country applies. As a result, Local Staff and their advocates often resort to judicial challenges, testing and seeking to expand the scope of existing frameworks to assert their rights.

Advocates have sought to improve the protection and rights of local Staff through pressure on governments to adopt legislation or executive policy for the protection of Local Staff, as well as litigation challenging government policy and Local Staff as individuals or in groups.

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[1] Local staff are individuals who, in their home country, are employed by or on behalf of a foreign government or international actor to support a mission or programme. This definition applies regardless of the contractual form and includes direct employees, all tiers of subcontracted personnel, and functional equivalents. Local staff are often identifiable as supporting foreign actors, and as a result, may be exposed to specific and heightened security, legal and social risks.

[2] Global Affairs Canada, Recruitment of local staff (Dec. 3, 2025), https://www.international.gc.ca/protocol-protocole/policies-politiques/recruitment-local-recrutement-locaux.aspx?lang=eng; Australian embassy in the United States, Locally Engaged Staff: Terms and Conditions of Employment, https://usa.embassy.gov.au/terms-and-conditions-employment.

[3] In the legal challenge Yousof Rahimi v. Attorney General, CV-25-00744425-0000 (2025) (Index 3). Afghan Local Staff for the Canadian Armed Forces argued that they received fewer benefits than Canadian staff, despite facing similar risk.

[4] See UN Security Council Resolution S/RES/2730 (2024) (on protection of Local Staff employed by United Nations and humanitarian organizations; S/RES/1738 (2006) (on protection of journalists); S/RES/1502 (2003) (on protection of humanitarian personnel and United Nations and its associated personnel). The nonprofit organization Red T has long advocated for a UN Resolution protecting translators and interpreters as a professional category. This would extend the protections of international humanitarian law to some but not all Local Staff. See UN Petition, Red T, https://red-t.org/our-work/un-petition/ (last visited No. 15, 2025).

[5] De Jong, S. and S. J. Shajjan (2025). 'Invisible Men: The injured lives of Afghan interpreters'. In: Routledge Handbook of Masculinities, Conflict, and Peacebuilding, eds. H. Myrttinen, C. Lewis, H. Touquet, P. Schulz, F. Yousaf, E. Laruni. London: Routledge, pp. 59-69..

[6] Baker, C. (2012). 'Prosperity without security: The precarity of interpreters in postsocialist, postconflict Bosnia-Herzegovina'. Slavic Review, 71(4), 849-872.

Legal and advocacy strategies to protect Local Staff

This is the first report[7] that maps the legal advocacy strategies through litigation used to protect Local Staff and across countries of employers and host countries. This report draws from the accompanying Index of Legal Advocacy, which can be found at the end of this report (pp. 13-39). The Index compiles more than 60 judicial challenges brought on behalf of Local Staff, including examples from Australia, Canada, France, Germany, the Netherlands, Sweden, the United Kingdom, the United States, and the European Union. This report references the Index by including references to the relevant Index entry when a case is cited. The Index does not include summaries of executive and legislative action to establish immigration programs, which have already been documented in the report *Divided in Leaving Together.*[8]

The Index was informed by interviews with Local Staff and advocates, desk research, and the authors' own experience as experts and advocates for Local Staff. Drawing on that Index, this report maps the different bodies of law and strategies that can be drawn upon for protection of Local Staff. This report cross references by including the Index entry in relevant footnotes.

This report proceeds in three sections following this introduction. Part I discusses the challenges of and contradictions in the application of law: whether questions about the status and rights of Local Staff are governed by the law of the employing country or the Local Staff's country. Part II discusses various bodies of law that have drawn on to advance the protection and rights of Local Staff. These include immigration, employment, transparency, data privacy, and criminal law. Part III discusses remedies that Local Staff have sought for injuries, including relocation, residency, and financial compensation. Further, in some situations, protection claimed under one body of law leads to a remedy from a different body of law. For example, protection claims brought under French employment law and British data privacy law resulted in some Local Staff relocating to those respective countries. We illustrate each section with relevant court cases and examples of contentions and principles.

In the final section IV, Discussion and Conclusions, we summarise the overall lessons: Local Staff have sometimes secured remedies from one legal framework or at the intersection of several bodies of law. But all too often, due to their precarious and ambivalent legal status , Local Staff fall through the cracks of any legal protection. Hence, a more comprehensive legal framework is needed to guarantee the protection and rights of Local Staff. The Guidelines for the Rights and Protection of Local Staff in International Missions, developed by Local Staff International in consultation with partners, form an initial set of principles and minimum standards for international employers to safeguard the rights and protection of Local Staff.

[7] This report includes examples known to the authors as of December 2025. This report does not comprise legal advice. Legal advocates should independently verify the content of these materials.
[8] De Jong, S. and D. Sarantidis (2022). Divided in Leaving Together: The resettlement of Afghan locally employed staff - A comparison between Australia, Canada, Denmark, France, Germany, the Netherlands, the UK and the US (May 2022), University of York, IGDC Working Paper Series.

I. WHICH LAW APPLIES: THE LAW OF THE EMPLOYER'S COUNTRY OR THE LOCAL STAFF'S COUNTRY?

When Local Staff seek redress for harm, a key question arises as to whether the law of the employer's country or the law of the host country applies. In many recent contexts including Iraq and Afghanistan, Local Staff supported missions with an international mandate, but this international mandate did not offer coherence or consistency in the application of law that applied to the protection and rights of Local Staff.

For Local Staff, it is often advantageous to seek redress under the legal framework of the employer's country. This is for several reasons: the same harms or threats that Local Staff face may also make it dangerous to pursue relief under the host country's legal system. The host country's legal system may also be rapidly changing or face challenges to effective implementation due to foreign military occupation. Notably, Local Staff may be subject to obligations under the employing country's law; a 2012 U.S. military decision by a criminal court found that a staff member could be held liable for violations of the criminal code that applies to U.S. service members.[9]

A key place where the applicable jurisdictional law is in Local Staff's contracts with their international employers. Some international employers do not provide a written contract, do not give Local Staff a copy of the contract, or only provide it to Local Staff in the employer's language. Other times, contracts do not specify the law under which the contract should be interpreted or conflicts resolved. A group of international experts led by Local Staff International (LSI) has conducted a preliminary review of contracts between foreign employers and local staff and believes that Local Staff should incorporate the law of the employing state to delineate the rights of Local Staff and to provide a mechanism for dispute resolution as an alternative where local law cannot provide a redress or where seeking a remedy under local law would put Local Staff at risk[10].

As minimum standards, Local Staff should always receive a written copy of their contract in their language and have the option to receive a briefing covering key terms of the contract, which is essential for Local Staff with barriers to understanding contracts, such as limited literacy. Contracts should clearly address compensation, paid leave, compensation and coverage in the event of injury resulting from employment, safety measures that the Local Staff can access, conditions for termination, and the jurisdiction whose law will apply in the issue of a dispute.

LSI further recommends that contracts should allow the Local Staff to request dispute resolution under the employing countries' law if local law cannot provide redress or where seeking a remedy under local law would put Local Staff at risk.

Responding to judicial challenges, several courts have engaged with these application of law questions. In a 2025 legal challenge, 42 Afghan guards of the Dutch Embassy alleged that the Netherlands had failed to adequately protect them and that the Dutch government was liable for harm that the guards

[9] United States v. Ali, No. 12-0008/AR (C.A.A.F. 2012), https://www.armfor.uscourts.gov/newcaaf/opinions/2011SepTerm/12-0008.pdf. In this instance, the relevant staff member was an individual with Iraqi and Canadian citizenship who worked for the U.S. military in Iraq. The decision determined that an individual who was not a U.S. citizen and was outside of the United States could be held liable under the Court of Military Justice.
[10] See for further information: Guidelines for the Protection of Local Staff in International Missions.

experienced. Initially, a lower court assessed that requiring the guards to seek redress under Afghan law would leave them without a remedy. As a result, the court applied Dutch law to require the Dutch government to admit the guards to the Netherlands (***Index 34***).[11] Unfortunately, the appellate court determined that Afghan law rather than Dutch law applied, and there was no legal duty under Afghan law for the Dutch government to offer protection (in this case, evacuation) to the Afghan guards (Index 34).[12] The fact that two courts in one country issued opposing rulings addressing the same issue and same group of claimants demonstrates that the important question of which law applies remains contested and largely unresolved.

In a favorable example, a Swedish court found that Sweden had effective control over its Local Staff due to their duties and due to the security responsibility that Sweden had on Afghan territory during its military operation. The court found that these duties continued even after Sweden handed over security responsibility to Afghan authorities (***Index 37***).[13] As a result, Afghan Local Staff could continue to seek redress under Swedish law.

Afghan Local Staff who had worked for the British Army brought a lawsuit challenging differences in the UK government's relocation schemes for Iraqi and Afghan Local Staff. The Afghan Local staff argued that the Equality Act required equal treatment to similarly situated individuals, as both groups of Local Staff faced similar risks following their employment. In its opinion, the High Court found that the Equality Act did not apply extraterritorially, thereby denying relief to the Afghan Local Staff seeking the more favorable treatment that had been given to Iraqis. The Court also found that Local Staff were employed under UK employment law unless the contracts expressly state that local law applies (***Index 43***).[14] Notably, this ruling finds that the UK's Equality Act did not apply extraterritorially, but that UK employment law extended to employees serving outside the United Kingdom.

In the United States, the Defense Base Act clearly applies extraterritorially and offers compensation for employees of the U.S. government, even when hired outside the United States (***Index 53, 55, and 57***).[15]

However, oftentimes legal principles do not extend beyond the employing country's borders. An Afghan Local Staff sought protection from the French government. On appeal, the Council of State noted that the constitutional right to asylum, which applies within France, does not provide a right to enter the country for the purpose of seeking asylum (***Index 10***).[16]

In addition to application of the employing country's domestic law, Local Staff have drawn on international and regional law to seek protection. Some Local Staff seeking asylum in countries that have signed the European Convention on Human Rights have invoked that instrument. In Sweden, a court referenced the European Convention on Human Rights to find that former linguists had a special connection to Sweden and should be granted permanent residence (***Index 37***).[17]

[11] 200.358.823/01, ECLI:NL:GHDHA:2025:1840 (2025) (Index 34).
[12] 200.358.823/01, ECLI:NL:GHDHA:2025:2256 (2025) (Index 34).
[13] Case of 7 Afghan interpreters, Migration Court Malmö 2014 (Index 37).
[14] R (on the application of Hottak and another) v Secretary of State for Foreign and Commonwealth Affairs and another [2016] EWCA Civ 438 (Index 43).
[15] 42 U.S.C. §§ 1651–1654 (Index 53, 55, and 57).
[16] No. 408374, Conseil D'Etat (2017) (Index 10).
[17] Sveriges advokatsamfund, Migrationsdomstolen: Sverige har ansvar för afghanska tolkar

Similarly, asylum law in each of the countries reviewed is rooted in the 1951 Refugee Convention and its 1967 Protocol (a few examples of these are highlighted in Section II below). In a challenge brought prior to the fall of the Taliban in 2021, two Afghan asylum applicants sought review in the European Court of Human Rights of denials of their asylum applications in the United Kingdom. The Court found that removal would not violate Article 3, the prohibition on returning individuals to torture (***Index 7***).[18]

II. BODIES OF LAW DRAWN UPON FOR LOCAL STAFF RIGHTS AND PROTECTION

In response to the harms outlined in the Introduction, Local Staff and advocates have sought to establish protection by drawing on law protecting Local Staff as employees, as civilians in conflicts, as refugees fleeing persecution, and as data privacy rights holders. Advocates have also sought to obtain greater information about protection schemes through transparency law and brought a criminal complaint against a government minister to argue for greater legal protections for Local Staff. This section outlines examples of these kinds of advocacy.

A. Employment law

Local Staff have drawn on employment law from the legal systems of employers' home countries. In these cases, Local Staff bring legal challenges alleging that, as employees, they are entitled to protection from injury and threats during and after their employment.

Afghan Local Staff brought a lawsuit challenging distinctions between Canadian Armed Forces and Afghan Local Staff. Canadian Armed Forces receive benefits and support following their service, whereas Local Staff did not (***Index 3***).[19] The Afghan plaintiffs allege that this differential treatment was discriminatory based on their race, national or ethnic origin, and religion, and that it infringed upon their rights under sections 7 and 15(1) of the Canadian Charter of Rights and Freedoms. This lawsuit was filed in 2025 and is pending as of this writing.

Iraqis who worked for the United Kingdom government or contractors brought several lawsuits seeking financial compensation because of death, bodily injury, or other threats that they experienced after their employment (***Index 39, 41, and 42***).[20] These lawsuits were rooted in breach of the employers' duty of care.[21]

Nyhet Publicerad Sveriges advokatsamfund Oct. 1, 2014; Sveriges Radio, Afghan former interpreters may be allowed to stay, Oct. 1, 2014, https://www.sverigesradio.se/artikel/5980439 (Index 37).

[18] H. and B. v. the United Kingdom (70073/10 and 44539/11) (Index 7).

[19] Yousof-Rahimi v. Attorney General, CV-25-00744425-0000 (2025) (Index 3).

[20] Verkaik, R. Betrayed: The Iraqis who risked all for Britain (May 4, 2008), https://www.independent.co.uk/news/world/middle-east/betrayed-the-iraqis-who-risked-all-for-britain-820857.html; Crawford, A. (2009). Iraqis to sue UK for compensation (July 13, 2009), http://news.bbc.co.uk/2/hi/uk_news/8148764.stm; The Times, Army failed to keep us safe, say interpreters in legal fight (Feb. 5, 2011), https://www.thetimes.com/best-law-firms/profile-legal/article/army-failed-to-keep-us-safe-say-interpreters-in-legal-fight-929sh6m9tz8 (Index 39, 41, and 42).

[21] Due to the passage of time, despite desk research and outreach, the authors were unable to determine the outcome of this litigation.

In the United States, Local Staff have obtained financial compensation by bringing administrative claims under a longstanding statutory scheme compensating for workplace injuries. The Longshore and Harbor Workers' Compensation Act provided compensation for workers who faced injury.[22] This was extended to employees working internationally on U.S. military bases by the Defense Base Act.[23] As a result, Local Staff can request financial compensation for physical and psychological injuries, but they must establish with evidence that they were, in fact, qualified by an employer covered by the Defense Base Act (***Index 55 and 57***).[24]

Perhaps most intriguingly, the Afghan employees of the French Army, directly employed by the French state, have secured relocation benefits under the principle of functional protection (*protection fonctionnelle*). This general principle of French public law provides protection to French government agents, even those hired abroad, from threats arising from their work for the French government. The State Council (*Conseil D'Etat*) confirmed that this principle extends not only to French nationals but also to Afghans who were employed by the French government in Afghanistan (***Index 12***).[25] The protection is granted exceptionally, only with evidence of a direct threat due to their work for the French government. It has protected Afghan nationals who served the French state and their immediate family members by offering residence permits. As a result, a principle of employment law results in an immigration benefits for Afghans.

The increased use of subcontractors in international missions has left an even larger gap in the protection of Local Staff under employment law. While employment law has provided some albeit limited protections to directly employed staff (such as challenges brought under the Defense Base Act for at least some employees of subcontractors supporting the U.S. government), those contracted through private military contractors have faced an even more precarious legal situation. This precarity remains unresolved.

B. Immigration Law

Many countries afforded immigration benefits to Local Staff, especially in the lead up to the withdrawal from Afghanistan. These immigration benefits fall largely into two categories: expanding existing humanitarian programs such as asylum to cover Local Staff, and new immigration relocation programs established specifically to protect Local Staff.[26]

Newly-established schemes to protect Local Staff generally relied on the employing country's immigration law, without reference to the host country's law, though they were generally specific to Afghans and/or Iraqis. Local Staff and their advocates have brought significant challenges to these programs, focusing on the scope of inclusion, the legality of distinctions drawn in these programs, delays in the programs, and the sufficiency of remedies. Many of these challenges sit at the intersection

[22] 33 U.S.C. §§ 901–950.
[23] 42 U.S.C. §§ 1651–1654.
[24] See, e.g., Global Linguist Solutions, LLC v. Abdelmeged, No. 17-72516 (9th Cir. 2019) (Index 57); Mikha v. Director, Office Workers Compensation Program, No. 17-71427 (9th Cir. 2017) (Index 55).
[25] No. 424847, Conseil D'Etat (2017) (Index 12).
[26] De Jong, S. and D. Sarantidis (2022). Divided in Leaving Together: The resettlement of Afghan locally employed staff - A comparison between Australia, Canada, Denmark, France, Germany, the Netherlands, the UK and the US (May 2022), University of York, IGDC Working Paper Series. DOI: 10.13140/RG.2.2.34804.01925

between immigration and administrative law, seeking to apply broad principles of administrative law to improve the implementation of these specialized programs.

Many countries also saw former Local Staff seek asylum, and some adopted policies specifically designating their Local Staff as an at-risk group.[27] For example, in addition to its dedicated program to resettle former interpreters, the Dutch government adopted a policy that requires former Afghan Local Staff seeking asylum only to demonstrate that they worked as interpreters with Western forces, without requiring them to prove individual persecution.[28]

1. Eligibility for Local Staff-specific immigration programs

Each government establishing a new immigration program for Local Staff defined their program's eligibility criteria, which often changed over time responding to domestic political changes and/or geopolitical events, such as the announcement of the withdrawal from Afghanistan on April 1, 2021.[29]

Advocates have brought legal challenges to demonstrate that individuals who are denied relocation by a government are in fact eligible under established criteria. As one example, the recent Yasini Doe v. State litigation, filed in 2025, challenges the U.S. State Department's determination that employees of Afghan state-owned entities could not be eligible for the Afghan SIV program. The lawsuit is ongoing as of this writing (***Index 62***).[30]

Numerous strategies have also sought to expand protections to include family members. In 2020, the French Council of State ruled that functional protection could include former employees of the French government and their children, spouses and partners, and parents, but does not extend to siblings (***Index 14***).[31] In Canada, immigration authorities used executive action to open a program (now closed) to provide permanent residence to extended family of former Afghan interpreters.[32]

Still another strategy for advocacy is to challenge established criteria as undermining the broader purpose of the statute. For example, Iraqi interpreters challenged the limitation that individuals had to work for 12 months and directly for the British armed forces to benefit from the UK government's relocation scheme. They alleged that these restrictions undermined the protective purpose of the scheme (***Index 40***).[33] The challenge was unsuccessful. However, a subsequent scheme for Afghan Local Staff employed by the UK did not have this length of service requirement, suggesting that litigation may have influenced the UK government to adopt broader eligibility in future schemes.

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[27] A detailed review of immigration pathways is available here: De Jong, S. and D. Sarantidis (2022). Divided in Leaving Together: The resettlement of Afghan locally employed staff - A comparison between Australia, Canada, Denmark, France, Germany, the Netherlands, the UK and the US (May 2022), University of York, IGDC Working Paper Series.
[28] Decision of the State Secretary for Justice and Security of 21 April 2020, number WBV 2020/9, amending the Aliens Circular 2000.
[29] De Jong, S. and D. Sarantidis (2022). Divided in Leaving Together: The resettlement of Afghan locally employed staff - A comparison between Australia, Canada, Denmark, France, Germany, the Netherlands, the UK and the US (May 2022), University of York, IGDC Working Paper Series.
[30] Yasini Doe v. Department of State, No. 1:25-cv-3676 (2025) (Index 62).
[31] No. 436176, Conseil D'Etat (2020) (Index 14).
[32] Government of Canada, Permanent residence for extended family of former Afghan interpreters: About the public policy (last updated July 29, 2024), https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/permanent-residence-extended-family.html.
[33] (R (on the application of AK, CK and WA) v. Secretary of State for Foreign and Commonwealth Affairs; Secretary of State for Defence (Index 40).

2. Non-discrimination

Local Staff and advocates have also challenged distinctions made by governments in immigration programs on the grounds that these distinctions violate the principle of non-discrimination. These challenges may be described, depending on the legal system in which they are brought, as arbitrary or capricious distinctions, violations of the principle of equality, or unlawful discrimination.

In Canada, Afghan Local Staff challenged differences in immigration benefits provided to Afghans and Ukrainians (***Index 4***).[34] The Canadian government established a program to provide relocation and work authorization to Ukrainians while a separate scheme offered a more limited set of benefits for Afghans who faced danger because of their affiliation with the Canadian government. The challenge alleges that these differences are a violation of the Canadian Charter of Rights and Freedoms. As of 2024, the challenge led to the Canadian government releasing memoranda leading to the Ukrainian relocation policy.[35]

Afghan Local Staff also challenged their denials in individual cases under the principle of equality (***Index 31***).[36] Afghans in various groups alleged that, because similarly situated Afghans relocated to the Netherlands during the 2021 emergency evacuation, that they should be allowed to relocate as well (***Index 30 and 31***).[37] These cases were generally denied on the ground that the Dutch government was not required to relocate all individuals and could draw distinctions for the post-evacuation phase.

3. Delays

Many lawsuits have challenged delays in applications for relocation. In the United States, advocates have engaged Congress to address delays in the Afghan and Iraqi Special Immigrant Visa programs, mandate maximum reasonable processing times and reports. Advocates have leveraged this legislation to bring a lawsuit that resulted in ongoing judicial monitoring of the U.S. government's processing of Afghan SIV applications (***Index 54 and 56***).[38]

Numerous French cases also addressed timelines and delays in requests for reconsideration of visa refusals. For example, in 2017 the French Council of State reviewed a visa application whose request for suspension was rejected for lack of urgency (***Index 9***).[39] The Council of State found that the family's serious risks warranted a suspension of the visa refusal and ordered the French authorities to re-examine the visa application within one month and payment of legal costs.

In the United Kingdom, Afghan Local Staff, who had received an offer for relocation under the Afghan Relocation and Assistance Policy (ARAP) and who were awaiting their transfer from Pakistan to the UK, challenged a government policy that required individuals with a relocation offer to secure housing prior to the UK government issuing a visa. This was not adopted as a formal eligibility requirement, and was

[34] John Doe 1 and John Doe 2 v. Attorney General, Federal Court (filed May 25, 2023) (Index 4).
[35] Osman, L. (2024). Staff warned immigration minister about setting 'significant precedent' with Ukraine visa program, CBC News (Jul. 24, 2024), https://www.cbc.ca/news/politics/minister-warned-over-ukranian-visa-program-1.7273396.
[36] 202206138/1/V6, ECLI:NL:RVS:2023:719 (2023) (Index 31).
[37] 202206155/1/V6, ECLI:NL:RVS:2023:718 (2023) (Index 30); 202206138/1/V6, ECLI:NL:RVS:2023:719 (2023) (Index 31).
[38] Afghan and Iraqi Allies v. Pompeo, Opinion, No. 18-cv-01388 (D.D.C. 2019) (Index 56); Nine Iraqi Allies Under Serious Threat Because of Their Faithful Service to the United States v. Kerry, No. 1:15-cv-00300 (D.D.C. 2016) (Index 54).
[39] No. 408748, Conseil D'Etat (2017) (Index 9).

not implemented through changes to the implementing rules. Rather, it was implemented as a logistical barrier prior to relocation, and only became apparent when the UK suddenly halted almost all transfers from Pakistan to the UK. This policy caused significant delay for applicants, who were expected somehow to secure their own UK housing despite living in dangerous conditions in Pakistan. Shortly after litigation was filed, the UK government reversed this policy.[40]

4. Sufficiency of remedies

Advocates have also challenged the sufficiency of remedies available for people who were eligible for programs, including challenging suspension of visa admissions processes. In 2020, the Australian government denied an Afghan interpreter's request to relocate to Australia. The interpreter challenged the denial on the grounds that the government's decision had not addressed safety risks to his family. The Full Federal Court ruled in favor of the Afghan interpreter and allowed the appeal, requiring the government to reconsider the visa application (***Index 2***).[41]

In another example, an Afghan interpreter requested to be transferred to the Netherlands under the applicable Dutch immigration program, called the Interpreters Regulation (***Index 32***).[42] The interpreter was rejected and requested judicial review, and the Dutch government sought a finding that the program was not subject to judicial review. In 2024, the court found that the Dutch government's decision to deny a request under the Interpreters Regulations was subject to judicial review and that the government was required to make a new decision.

In Germany, Afghans challenged the German government's decision not to relocate 2400 Afghans (including 200 Local Staff) who were eligible for relocation to Germany (***Index 17***).[43] In August 2025, the Higher Administrative Court of Berlin-Brandenburg ruled that the federal government could suspend admissions under the paragraph establishing discretionary admissions for Local Staff. This paragraph had been established to facilitate rapid resettlement of Local Staff, but the discretionary nature that facilitated an emergency response also left Local Staff vulnerable to suspension of relocation as well.

C. Data privacy

In numerous instances, the UK government has inadvertently disclosed data about Afghan Local Staff who were applying to immigration schemes. In one instance, the UK government emailed a group of Afghan local staff with all email recipients visible. Following a data breach in 2021, the UK government provided financial compensation to individuals whose data was inadvertently disclosed.[44]

Following a more serious disclosure, in 2023 a UK court imposed a superinjunction, which prohibited not just disclosure of sensitive information, but also forbade those covered by the superinjunction from disclosing the existence of the superinjunction itself. The court lifted the superinjunction in 2025

[40] Bancroft, H. (2023). Sunak forced to bring thousands of Afghans granted sanctuary in Britain to UK from Pakistan amid safety fears, The Independent, Oct. 20, 2023, https://www.independent.co.uk/news/uk/home-news/afghanistan-home-office-pakistan-iran-refugees-b2433086.html.
[41] DVE18 v Minister for Home Affairs [2020] FCAFC 83 (Index 2).
[42] SGR 23/1954, ECLI:NL:RBDHA:2024:9254 (2024) (Index 32).
[43] 6 S 47/25, ECLI: ECLI:DE:OVGBEBB:2025:0828.6S47.25.00, Higher Administrative Court of Berlin-Brandenburg (2025) (Index 17).
[44] UK Parliament, Afghan Resettlement Scheme Data Incident: Update (July 4, 2025), https://hansard.parliament.uk/commons/2025-07-04/debates/25070425000008/AfghanResettlementSchemeDataIncidentUpdate.

(***Index 49***).[45] In addition, the UK government relocated some of the individuals whose data was disclosed under a bespoke scheme, the Afghanistan Response Route[46]. At least some of these individuals were not otherwise eligible for relocation. As a result, protection following that violation of data privacy included immigration benefits.

D. Transparency law

Laws mandating government transparency have also been a tool to find information about immigration programs and to secure records that are helpful to applicants for immigration benefits.

In the United States, the Freedom of Information Act mandates disclosure of government data and records.[47] Advocates have successfully secured records including information about government processing of various immigration benefits as well to secure copies of contracts between the U.S. government and contractors (***Index 52***).[48] These records are vital to prove eligibility for U.S. immigration benefits and to understand how those systems operate.

In the UK cases challenging the requirement that Afghan Local Staff obtain housing before relocating to the UK, litigation also played a critical role in understanding the policy. The new requirement that Afghans eligible for relocation had to secure their own housing was made in secret, based on an instruction of the Prime Minister. The parameters of the policy were communicated to ARAP applicants only months later, and following the filing of several lawsuits challenging the policy. The policy was later abandoned by the UK government (***Index 45***).[49] This demonstrates the importance of litigation not just to challenge unlawful implementation of relocation programs but also to promote transparency surrounding the implementation of government programs.

E. Criminal law

In one instance, an advocate sought to use criminal law against a government minister seen to offer inadequate protection for Local Staff (***Index 19***).[50] German attorney Victoria Lies filed a petition for criminal charges against German Minister Dobrindt for his role in seeking to end the German program for Afghan relocation. As of this writing, to the best knowledge of the authors, that petition was still pending.

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[45] Ministry of Defence v Global Media and Entertainment Ltd and others [2025] EWHC 1806 (KB) (Index 49).
[46] Government of UK, Afghanistan Response Route (last updated Nov. 10, 2025), https://www.gov.uk/guidance/afghanistan-response-route.
[47] The Freedom of Information Act is codified at 5 U.S.C. § 552.
[48] See IRAP, Newly Released Documents Shows the Shortcomings of Project Rabbit (2023), https://refugeerights.org/news-resources/draft-newly-released-documents-show-the-shortcomings-of-project-rabbit; IRAP, FOIA: Refugee, SIV, and Humanitarian PArole Pathways for Afghans (2022), https://refugeerights.org/news-resources/foia-state-department-processing-of-afghan-refugee-siv-and-humanitarian-parole-applications; IRAP, FOIA: SIV employment eligibility and the Chief of Mission process (2020), https://refugeerights.org/news-resources/foia-irap-v-dos-transparency-in-determining-the-eligibility-of-siv-applicants (Index 52).
[49] Bancroft, H. (2023). Sunak forced to bring thousands of Afghans granted sanctuary in Britain to UK from Pakistan amid safety fears, The Independent, Oct. 20, 2023, https://www.independent.co.uk/news/uk/ home-news/afghanistan-home-office-pakistan-iran-refugees-b2433086.html (Index 45).
[50] Thorwarth, K. (2025). Afghanische Gefährdete: Dobrindt in der Kritik – Berliner Anwältin zeigt Innenminister an Stand, Frankfurther Rundschau (Oct. 13, 2025), https://www.fr.de/politik/afghanische-gefaehrdete-anwaeltin-zeigt-innenminister-dobrindt-an-93983108.html (Index 19).

III. Remedies

Often, the body of law through which Local Staff advocate also provides the remedy sought. For example, where Local Staff are advocating for changes to immigration law for the protection of Local Staff, the remedy sought is often an immigration benefit. Where individuals have engaged in advocacy through employment law, the remedy sought is often financial compensation.

However, in several instances, the form of relief comes from another body of law. Most notably, advocacy under employment and data privacy law has resulted in individuals accessing immigration benefits.

In 2022, the UK government had a major data breach, in which the personal details of tens of thousands of Afghan Local Staff were inadvertently disclosed (***Index 48 and 49***).[51] The disclosure was subject to a superinjunction, prohibiting individuals from sharing information related to the data breach or the existence of the injunction. While the superinjunction was in place, the UK government supported more than 4,000 individuals to relocate to the United Kingdom. In effect, a violation of data privacy (and the government's efforts to minimize the impact of this grievous error) resulted in several thousand Local Staff securing immigration benefits to relocate to the United Kingdom.

In France, Afghan Local Staff succeeded in extending a principle of employment law to secure relocation to France (***Index 12***).[52] Functional protection is a general principle of French public law, stating that the French state should protect its employees who face risks because of their work, even when their contracts are subject to local law. In a 2018 legal challenge, the Council of State found that the failure of French authorities to protect a former interpreter exposed him to a risk to his life and inhumane or degrading treatment. The Court ordered the Minister of Defense to immediately grant functional protection by sheltering him within 8 days and to reexamine his visa request within two months. This landmark decision marked the first time that the Council of State recognized functional protection benefits for locally recruited Afghan civilian personnel, with 43 of 180 cases examined resulting favorably in December 2018.

IV. Discussion and Conclusions

This paper has identified bodies of law through which Local Staff and their advocates have sought protection, and areas of overlap between those legal frameworks. Existing legal protections for employees, for humanitarian immigration protection, data privacy subjects, and others, have all been the basis to secure financial compensation and relocation for Local Staff. However, the greater feature of these bodies of law as applied to Local Staff is not their overlap but their gaps. Many Local Staff were not able to access compensation or relocation through any of these bodies of law and thus fell through the cracks of any legal protection. Local Staff's employment is often characterized by precarity, with few contractual guarantees and fewer opportunities to enforce contractual protections in the event of termination without clear cause, injury, or death.[53]

[51] Gunter, J. & S. Seddon (2025). Thousands of Afghans were moved to UK in secret scheme after data breach, BBC News (July 5, 2025), https://www.bbc.com/news/articles/cvg8zy78787o (Index 48 and 49 relate to the same incident).
[52] No. 424847, Conseil D'Etat (2018) (Index 12).
[53] For a discussion of insecurity in the employment of interpreters in Bosnia-Herzegovina, see Baker, C. (2012). 'Prosperity without Security: The Precarity of Interpreters in Postsocialist, Postconflict Bosnia-Herzegovina,' Slavic Review, 71(4): 849-72.

Missions of Western governments in Afghanistan, and other missions prior, were framed as international or transnational missions. But these missions were not accompanied by an internationally recognized suite of rights for Local Staff, such as a common set of contractual rights, relocation schemes, or asylum policies. Even when the withdrawal from Afghanistan was announced, there was no international steer to harmonize the protection of Local Staff. As NATO Secretary General Jens Stoltenberg noted: "it's for each and every Ally as individual nations to make decisions on asylum."[54]

Many Local Staff fall between protected categories under international humanitarian law. Only Local Staff working with or as journalists would fall under protections in international law for journalists.[55] Local Staff who are assisting armed forces may not be treated as civilians for purposes of international humanitarian law.[56] Local Staff employed at embassies are not treated as diplomats and do not enjoy diplomatic immunity.[57] As a result, advocates have pressed for recognition of Local Staff who are linguists as a protected category under international humanitarian law, emphasizing their separation from hostilities and international armed forces.[58] On the other hand, some U.S. advocates pursued domestic legal recognition of Local Staff who served alongside U.S. troops as honorary veterans, emphasizing their close ties to the U.S. military.[59] To date, neither effort has been successful, sustaining the continued liminal position of Local Staff.

Similarly, Local Staff often fall between the local legal system and the legal system of their employers. This can be true for several reasons.

The employing country may extend protections only to certain groups, and leave Local Staff in limbo because they do not meet eligibility criteria or because they lack evidence proving their employment. Here we find another anomaly: in most legal contexts, employers rather than employees are responsible for record-keeping, but in this situation, many countries required Local Staff to secure and submit proof of employment. In these situations, the only avenue for legal recourse is their own country's legal system (***Index 34***).[60] responsible for recordkeeping, but for Local Staff, they often bear the burden of proving their employment and thus entitlement to protection.

The employing country may not extend protections for employees extraterritorially. For example, an appellate decision in late 2025 held that Dutch embassy guards could not seek protection extraterritorially from Afghanistan and had to seek protection from the Afghan government. Where the local government, in this case the Taliban, is itself the source of their fear of harm, this may leave Local Staff functionally without a remedy: in Hannah Arendt's famous words, without a right to have rights.[61]

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[54] Joint press point by NATO Secretary General Jens Stoltenberg, US Secretary of State Antony Blinken and US Secretary of Defense Lloyd J. Austin III (Apr. 14, 2021), https://www.nato.int/en/news-and-events/events/transcripts/2021/04/14/joint-press-point.
[55] Additional Protocol I to the Geneva Conventions, art. 79 (1977).
[56] See, e.g., Additional Protocol I to the Geneva Conventions, art. 51(3) (1977), which notes that civilians enjoy protection against the dangers arising from military operations "unless and for such time as they take a direct part in hostilities".
[57] See, e.g., Government of Canada, Locally Engaged Staff Employment Regulations, art. 1(1) 2024 (SOR/2024-16); Australian Government, Local Engagements, https://www.dfat.gov.au/careers/localengagements.
[58] See UN Petition, Red T, https://red-t.org/our-work/un-petition/ (last visited No. 15, 2025).
[59] Onofrio Castiglia, Veteran's nonprofit group fighting for translators, The Winchester Star (Jan. 8, 2018), https://www.winchesterstar.com/news/clarke/veterans-nonprofit-group-fighting-for-translators/article_eb194db8-5af2-52dc-941a-8bba14fd2af1.html.
[60] 200.358.823/01, ECLI:NL:GHDHA:2025:1840 (Index 34).
[61] Arendt, H. (1958). The Origins of Totalitarianism, 2nd edition. Cleveland, Ohio: World Publishing Company. Arendt also relevantly observes: ("The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion—formulas which were designed to solve problems within given communities—but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them . . . "). Id. at 295-96.

INDEX OF LEGAL ADVOCACY STRATEGIES			
Name	**Summary**	**Body of Law**	**Form of benefit**
Australia			
(1) 2019 lawsuit from interpreter "Hassan"	Afghan interpreter going by pseudonym Hassan was denied a protection visa on character grounds and sought an appeal. The appeal was dismissed by the Federal Court. SBS article	Immigration law	Resettlement (permanent)
(2) DVE18 v Minister for Home Affairs [2020] FCAFC 83	An Afghan interpreter who worked with the Australian Defence Force in southern Afghanistan from 2010 applied for a Refugee and Humanitarian (Class XB) visa in 2013, later adding his wife and infant son as secondary applicants after nearly five years of processing delays. The Minister refused the visa under s 501(1) of the Migration Act based on character concerns involving alleged Taliban associations. While acknowledging the family would also be refused visas, the Minister's reasons focused on the applicant's character and safety risks to him personally, with only brief reference to family impact. The primary judge found the Minister had not considered the risk to the wife and child but dismissed the judicial review application, concluding this failure did not constitute jurisdictional error. The Full Federal Court allowed the appeal, holding that the Minister was obliged under ss 54 and 55 of the Migration Act to consider all material provided by the applicant, including claims about risks to family members explicitly stated in his visa application and supporting materials, and that the failure to properly consider whether the wife and child would be at risk of murder by Jihadists in retributive attacks constituted either a breach of procedural fairness or a constructive failure to exercise jurisdiction. The Court quashed the Minister's decision and remitted the visa application for redetermination in accordance with law.	Administrative law, Immigration law	Resettlement (family), Resettlement (permanent)

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Name	**Summary**	**Body of Law**	**Form of benefit**
Canada			
(3) Yousof- Rahimi v. Attorney General, CV-25-00744425-0000 (2025)	Former Afghan Language and Cultural Advisors (LCAs) for the Canadian Armed Forces (CAF) in Afghanistan allege that they were exposed to the same hazardous combat conditions as CAF soldiers, but they were treated like civilian term employees and denied the same level of benefits and support. The plaintiffs allege that this differential treatment was discriminatory based on their race, national or ethnic origin, and religion, and that it infringed upon their rights under sections 7 and 15(1) of the Canadian Charter of Rights and Freedoms. The Court found that actions of the Canadian government are applied extraterritorially and application of the National Defense Act and Code of Service Discipline which apply to any action of the Canadian government (according to the complaint)	International human rights law, Employment law	Compensation, Social services
(4) John Doe 1 and John Doe 2 v. Attorney General (2023)	Two Canadian citizens who are former Language and Cultural Advisors (LCAs) for Canadian Armed Forces in Afghanistan seek a declaration that the Canada-Ukraine Authorization for Emergency Travel (CUAET) violates the Canadian Charter because it provides superior immigration benefits to Ukrainian nationals including free, extended temporary status for three years, free open work permits, expedited visa processing, and waived fees. These benefits are not offered to foreign nationals from other countries experiencing war and human rights abuses, including Afghanistan. The applicants claim this is a form of discrimination, and they contrast this with the Temporary Public Policy for extended families of former LCAs, which they claim arbitrarily restricts eligibility. The applicants seek a declaration that the CUAET violates section 15 of the Canadian Charter of Rights and Freedoms amd amending	International human rights law, Immigration law	Relocation (emergency)

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Name	**Summary**	**Body of Law**	**Form of benefit**
	CUAET to benefit any foreign national instead of Ukrainians. 2023 news article; 2024 news article.		
(5) A.B.C.D. v. Minister of Citizenship, 2025 FC 1296	A.B.C.D., an Afghan Local Staff, sought a writ of mandamus to compel the Ministers of Citizenship and Immigration and Foreign Affairs to process his application for permanent residence under Canada's Temporary Public Policy for the Resettlement of Afghan Nationals. A.B.C.D. submitted an expression of interest.The court found that the Ministers had failed to carry out their duties, that A.B.C.D. was owed a public legal duty to process his expression of interest, as the preliminary steps were an "integrated continuum" and part of the application process itself. The court also found that the Ministers' autoreplies, which consistently referred to his submission as an "application," created a legitimate expectation that it would be processed. The court ordered the Ministers to process as if the Policy was still in place when A.B.C.D. submitted his expression of interest and to pay A.B.C.D. to pay 15,000 CAD in costs. LinkedIn post.	Administrative law, Immigration law	Compensation, Resettlement (permanent)
(6) HN et al v. Minister of Citizenship and Immigration, 2025 FC 1801	An Afghan local staff who operated a store serving Canadian armed forces in Afghanistan sought mandamus ordering processing of their expression of interest for resettlement to Canada. The applicant had submitted an expression of interest and followed up repeatedly but was never referred to Canadian immigration authorities for processing. Following the logic of the case ABCD, the Court found that the government of Canada had a public duty to act on the expression of interest. As a result, the Court granted the application and ordered processing. Podcast.	Immigration law, Administrative law	Resettlement (permanent)

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Name	**Summary**	**Body of Law**	**Form of benefit**
European Union			
(7) H. and B. v. the United Kingdom (70073/10 and 44539/11) (2013)	This case involves two Afghan nationals, one of whom worked for UN agencies in Afghanistan and the other for the U.S. military. Both were asylum-seekers in the UK. The Court examined whether removal to Afghanistan would violate Article 3 of the European Convention on Human Rights, which prohibits returning an individual to face torture or to inhuman or degrading treatment or punishment. The Court reviewed country of origin information and determined, with one dissenting vote, that removal would not violate Article 3.	International human rights law, Immigration law	Resettlement (permanent), Protection against removal
France			
(8) No. 408750, Conseil D'Etat (2017)	The case at the Conseil d'Etat involves a request to suspend a decision to refuse a visa to an Afghan interpreter for the French forces who faced threats from the Taliban. The initial request for suspension was rejected. The Court found that the family's serious risks warranted a suspension of the visa refusal and ordered the French authorities to re-examine the visa application within one month and ordered payment for legal costs.	Administrative law, Immigration law, Employment law	Relocation (emergency)
(9) No. 408748, Conseil D'Etat (2017)	The case at the Conseil d'Etat involves a request to suspend a decision to refuse a visa to an Afghan interpreter for the French forces (and his family) who faced threats from the Taliban. The initial request for suspension was rejected for lack of urgency. The Court found that the family's serious risks warranted a suspension of the visa refusal and ordered the French authorities to re-examine the visa application within one month and ordered payment for legal costs.	Administrative law, Immigration law, Employment law	Relocation (emergency)

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Name	**Summary**	**Body of Law**	**Form of benefit**
(10) No. 408374, Conseil D'Etat (2017)	This case at the Conseil d'État involves a request to suspend the implicit rejection of a visa application by the French authorities. The visa applicant is an Afghan national who served as an interpreter for the French forces (and his family) who applied in 2013 and 2015 and was rejected both times. They appealed. The Nantes administrative court's judge rejected their request for suspension on November 22, 2016, stating that the arguments presented did not raise serious doubts about the legality of the refusal. The lower court denied the appeal, saying that the appeal did not raise questions as to the refusal's legality. The Conseil d'État upheld the lower court's decision and denied the appeal, affirming that the lower court's assessment of the case was valid and did not constitute a legal error. It clarified that the constitutional right to asylum does not guarantee a visa for asylum applications, nor does it imply a right to enter France based on potential threats faced abroad. The lack of detailed reasoning did not create a serious doubt about the legality of the decision.	Administrative law, Immigration law, Employment law	Relocation (emergency)
(11) No. 408344, Conseil D'Etat (2017)	This case at the Conseil d'État involves a request to suspend the implicit rejection of a visa application by the French authorities. The visa applicant is an Afghan national who served as an interpreter for the French forces (and his family) who applied in 2012 and 2015 and was rejected both times. They appealed. The Nantes administrative court's judge rejected their request for suspension, stating that the arguments presented did not raise serious doubts about the legality of the refusal. The lower court denied the appeal, saying that the appeal did not raise questions as to the refusal's legality. The Conseil d'État found that the administrative court of Nantes had "distorted the facts" by ruling that the applicant's argument was not strong enough to create serious doubt about the legality of the visa refusal. The court noted the the significant risks to Afghan nationals who assisted foreign armed forces indicated urgency, and	Administrative law, Immigration law, Employment law	Relocation (emergency)

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Name	**Summary**	**Body of Law**	**Form of benefit**
	suspended the visa refusal, ordered reexamination of the visa application within one month, and ordered to pay legal costs.		
(12) No. 424847 Conseil D'Etat (2018)	This case concerned an Afghan national who served as an interpreter for French armed forces in Afghanistan in 2010-2011 and sought functional protection after his visa requests were denied and his protection requests went unanswered by French authorities. The Conseil d'État established that the general principle of law protecting public agents extends to non-permanent state agents recruited abroad, even when their contracts are subject to local law. The Court found that the failure of French authorities exposed the former interpreter to a characterized risk to his life and inhumane or degrading treatment, constituting a serious and manifestly illegal infringement of a fundamental freedom. The Court ordered the Minister of Defense to immediately grant functional protection by sheltering him within 8 days and to reexamine his visa request within two months . This landmark decision marked the first time the Conseil d'État recognized functional protection benefits for locally recruited Afghan civilian personnel, with 43 of 180 cases examined resulting favorably in December 2018. Arab News article.	Administrative law, Immigration law, Employment law	Relocation (emergency), Resettlement (family), Resettlement (permanent)
(13) No. 421694 Conseil D'Etat (2019)	This case at the Conseil d'État involves a request to suspend the rejection of a visa application by the French authorities. The visa applicant is an Afghan national who served as an interpreter for the French forces (and his family) who applied in 2015 and was rejected. They appealed. The Nantes administrative court mandated reconsideration of the visa decision, but this was not done. He relocated to France and sought functional protection in the form of a residence permit, which was implicitly rejected. His request for interim relief was rejected.	Administrative law, Immigration law, Employment law	Relocation (emergency)

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Name	**Summary**	**Body of Law**	**Form of benefit**
	The request was denied due to an asylum application being filed and the condition of urgency was not met. Arab News link; VIGIE article link.		
(14) No. 436176 Conseil D'Etat (2020)	This ruling concerned an Afghan woman who had worked for the French armed forces and sought functional protection including visas for herself and family members. The Court established that when necessary for security reasons, functional protection can exceptionally include granting visas or residence permits to foreign state employees and their families, comprising spouses, civil union partners, children, and direct ascendants. However, the Court ruled that the appellant's sister did not fall within the definition of family members covered by functional protection. The sister was instructed to apply for an entry visa through normal channels based on the threats she claimed to face. The Conseil d'État upheld the lower court's rejection of the request to automatically extend protection to siblings.	Administrative law, Immigration law, Employment law	Relocation (emergency), Resettlement (family), Resettlement (permanent)
Germany			
(15) 6 L 295/21, OVG Berlin-Brandenburg 2021; ECLI:DE:VGBE:2021:0826.6L295.21.00 (2021)	This case concerned Afghan nationals who worked as bodyguards for the Afghan president ("Afghanische Ortskraefte") and sought evacuation from Afghanistan after the Taliban takeover in August 2021, claiming Taliban militia had stormed their apartments searching for them. While the court found the emergency application admissible due to the serious and unreasonable disadvantages threatened by the Taliban's seizure of power, it ruled there was no legal basis for a claim to evacuation or protective measures, as the Consular Law applies only to German nationals, and residence law provides only for visa issuance, not transportation. The court held that under Section 22 of the	Administrative law, Employment law, Immigration law	Relocation (emergency), Resettlement (permanent), Resettlement (family)

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Name	**Summary**	**Body of Law**	**Form of benefit**
	Residence Act in conjunction with administrative self-binding under Article 3(1) of the Basic Law, only former Afghan local staff who worked for German federal ministries or organizations and their spouses and children have a right to visas. The applicants were not entitled to visas because they were employees of the Afghan state rather than German authorities, and the decision on humanitarian admission is an expression of autonomous exercise of state sovereignty that the Federal Republic had legally restricted to those who worked specifically for German interests. This decision overturned a lower court ruling (VG 10 L 285/21 V) from August 25, 2021, that had granted visa rights to an Afghan GIZ employee and his family.		
(16) VG 10 L 285/21 V, VG Berlin (2021)	The Berlin Administrative Court ordered the German Foreign Office to issue emergency visas to an Afghan family (a couple and their three children) whose father had worked as a local staff member for the German development agency GIZ until 2017. The applicant had been shot at by the Taliban in 2016 and had filed danger reports, but his subsequent request for protection was rejected because his employment had ended more than two years earlier. The court found this was an exceptional case justifying anticipation of the main proceedings due to the Taliban takeover, the imminent end of evacuation flights from Kabul (scheduled to end August 27, 2021), and the extreme danger to local staff and their families. The court ruled that the German government had limited its own discretionary power through repeated public statements by ministers promising to evacuate as many local staff as possible, and that the government had recently expanded eligibility to anyone who worked for German agencies since 2013. While the court acknowledged it could not guarantee actual evacuation due to the volatile security situation in Kabul, issuing the visas would at least provide the legal possibility of entering Germany	Administrative law, Immigration law	Resettlement (permanent), Relocation (emergency)

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	if the family could reach safety through other means. The decision was over turned by 6 L 295/21		
(17) 6 S 47/25, Higher Administrative Court of Berlin-Brandenburg, ECLI: ECLI:DE:OVGBEBB:2025:0828.6 S47.25.00 (2025)	Germany announced the closure of a relocation program for locally employed Afghans, including to 2,400 Afghans who had received approval (roughly 200 local staff, the remaining Afghans under threat for other reasons). On July 7, a German court held (in a decision which was subject to appeal) that those with approval notices must be admitted but that the government could cancel the program and decline to approve applications moving forward. In August 2025, the Higher Administrative Court of Berlin-Brandenburg ruled that the federal government's temporary suspension of the admission procedure under the so-called "local staff procedure" is not an abuse of discretion. Unlike in cases of a promise of admission granted under Section 23(2) of the Residence Act (for applicants under the Federal Admission Program), the declaration of willingness to admit under Section 22 sentence 2, as issued in the case of the local staff procedure, is an internal administrative measure and not an administrative act on which applicants can rely. Section 22 sentence 2 does not serve to protect and realize the fundamental rights of individual foreigners, but grants authorities powers to exercise its foreign policy authority with leeway without, as a rule, establishing corresponding obligations. With the broad political discretion granted in Section 22 sentence 2 of the Residence Act, it is not objectionable for the Federal Government to review again, before issuing a visa, whether the political interest in admitting the applicants considered to exist in December 2022, still exists in Germany. After the ruling, Germany continued to admit individuals under deliberate processes, while facing criticism for its slow security check processes amidst significant danger for applicants. Reuters article from 8 July 2025; Info Migrants 1 August 2025 and 3 September 2025; LTO	Administrative law, Immigration law	Resettlement (permanent)

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Name	**Summary**	**Body of Law**	**Form of benefit**
	article 2025		
(18) Constitutional complaint against decision 6 S 47/25 (2025)	An Afghan judge who was impacted by 6 S 47/25, a decision of the Higher Administrative Court of Berlin-Brandenburg, filed a constitutional complaint. The judge had preliminary approval but then faced further scrutiny of his application for relocation. The decision 6 S 47/25 held that the government had discretion to conduct further review and to deny applications for relocation. The complaint alleges that the Higher Administrative Court failed to provide effective judicial review because it did not consider the trust that Afghans had placed in the preliminary approval of their relocation applications, particularly in light of threats to life and physical integrity. 2025 LTO article	Administrative law, Immigration law	Resettlement (permanent)
(19) Criminal charges sought against Minister Dobrindt for blocking resettlement of Afghan refugees (2025)	Minister Dobrindt delayed admission of more than 2,000 Afghan refugees in Pakistan, about 200 of which were locally employed staff, despite having preliminary approval. Attorney Victoria Lies sought criminal charges against Minister Dobrindt. Frankfurther Rundschau article	Criminal law	Criminal charges against government ministers
Netherlands			
(20) 201011989/1/V2, ECLI:NL:RVS:2011:5312 (2011)	This case involved an Iraqi asylum seeker and former interpreter whose repeat application for temporary asylum residence was rejected by the Minister for Immigration and Asylum in November 2010. The applicant had previously been granted asylum in May 2008, but that permit was revoked in May 2009, and after appeals, it was definitively established in June 2010 that he did not qualify as a refugee or for subsidiary protection. In his repeat application, he claimed	Immigration law, International human rights law	Protection against removal

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Name	**Summary**	**Body of Law**	**Form of benefit**
	new circumstances including his brother's death after deportation to Iraq, a document showing the Islamic State of Iraq was searching for him, and the worsened situation for interpreters according to the October 2010 country report. The court found that the submitted documents were only copies (not authentic) and therefore not legally relevant new facts, that his work as an interpreter had already been established and was insufficient grounds for protection, and that while the security situation in Iraq remained serious, it did not constitute such a change as to warrant reconsideration of his case. The Council of State upheld the rejection of the appeal on April 22, 2011.		
(21) AWB 13/17810, ECLI:NL:RBDHA:2013:10621 (2013)	An Afghan interpreter for the US was seeking asylum in the Netherlands. The asylum application was initially found to include contradictions and implausibilities and was denied. In a later application, the asylum applicant presented documentation from the U.S. embassy in Kabul showing that the applicant had and continued to experience threats due to his work as an interpreter for the American armed forces. The Dutch government sought to reject the second application as a duplicative asylum claim. In the second asylum application, the preliminary relief judge found that this new evidence confirmed core aspects of the asylum application, namely that the applicant has experienced threats as a result of his work as an interpreter and continues to fear reprisals as a result of that work. The preliminary relief judge referred to established case law establishing that if part of the account is deemed credible, the government must assess the weight of that part, and found that the new information could impact the previous rejection. As a result, the preliminary relief judge allowed the appeal.	Immigration law, Administrative law	Resettlement (permanent)

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Name	Summary	Body of Law	Form of benefit
(22) 201211884/1/V4, ECLI:NL:RVS:2012:BX0750 (2013)	An Afghan national who worked as an interpreter for American troops in Afghanistan applied for asylum in the Netherlands, which was denied by the State Secretary in November 2012. The applicant argued that the decision should have been suspended pending a ruling by the European Court of Human Rights (ECHR) in a similar case involving another Afghan interpreter. The Council of State found that while the lower court erred by not addressing this argument, the appeal still failed because there were significant factual differences between the cases: the ECHR case involved someone who fled two months after ending interpreter work, while this applicant remained in Afghanistan for over a year without Taliban problems, and the other case involved family ties to Hezb-i-Islami which this applicant lacked. The Council also noted that the lower court had found the applicant's claims about Taliban interest in September 2012 not credible. The Council affirmed the denial of asylum, concluding there was no basis to require suspension of the asylum decision pending the ECHR ruling.	Immigration law, International human rights law	Protection against removal
(23) 201211884/1/V4, ECLI:NL:GHDHA:2025:2256 (2013)	This case involved an Afghan asylum seeker who worked as an interpreter and whose application for temporary asylum residence was rejected by the Dutch State Secretary for Security and Justice in November 2012. The Afghan appealed, arguing that his asylum application should have been suspended pending a ruling by the European Court of Human Rights in a similar case involving another Afghan interpreter. The Council of State found that while the preliminary relief judge improperly failed to address this argument, the State Secretary was correct not to suspend processing because significant differences existed between the cases—namely, the Afghan remained in the Netherlands for over a year after ending his interpreter work without Taliban harassment, whereas the ECtHR case involved someone who fled within two months, and the ECtHR case concerned an applicant with family ties to Hezb-i-Islami, which this	Immigration law, International human rights law	Protection against removal

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	asylum-seeker lacked. The court also found the account of Taliban interest in him more than a year after ending his work lacked credibility. The appeal was dismissed and the original judgment was upheld, though with amended reasoning.		
(24) Netherlands vs. Nuhanović (2013)	Nuhanović was a former Bosnian interpreter employed by Dutch peacekeepers tasked with protecting Srebeneca. Thousands of Bosnian Muslims sought safety in Srebenica, and the Dutch battalion forced them out, including the relatives of Nuhanovic and handed them over to the Serbs, who then massacred roughly 8,000 people. In 2008, a lower court found that the Dutch government was not liable because the Dutch forces were operating under a UN mandate. The Court of Appeal found in 2011 that the Dutch government had effective control of the Dutch peacekeepers and thus that the Dutch government was liable, evn though it was operating under a UN mandate. The verdict was affirmed by the Dutch Supreme Court in 2013 and the plaintiffs received compensation.	Employment law	Compensation
(25) 201208171/1/V1, ECLI:NL:RVS:2014:600 (2014)	A ruling by the Administrative Jurisdiction Division of the Council of State, which ruled in favor of an Afghan interpreter, concerned an asylum seeker who was detained and abused for a month because of his work for American companies in Afghanistan. According to Amnesty International's medical research group, scars on the forearms, fingers, back, and feet were consistent with the statements the asylum seeker had made. The Division ruled that the State Secretary had not weighed the medical report and the Taliban threats resulting from his work "against the background of the security situation in Afghanistan, particularly for persons associated with foreign organizations or foreign troops, to which group the alien allegedly belongs."	Administrative law, Immigration law	Resettlement (permanent)

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(26) AWB 17/8274, ECLI:NL:RBDHA:2017:7118 (2017)	The court reviewed the Dutch decision to declare an Afghan interpreter's asylum application inadmissible, arguing the United States (US) is a safe third country due to his work for the US Army. The court agreed with the policy that a connection to the US existed, even without prior residency. However, the court ruled that the government failed to show the applicant's admission to the US was plausible in the foreseeable future, as his entry is contingent on applying for and receiving a Special Immigrant Visa (SIV). The decision emphasized that the Dutch government must plausibly demonstrate the applicant's admission to the safe third country within the imposed departure period to prevent the applicant from being stranded.	Immigration law, International human rights law	Protection against removal
(27) NL19.21783, ECLI:NL:RBDHA:2020:8864 (2020)	The State Secretary found it plausible that an Afghan had worked as a driver and interpreter for the Americans, but not that he had been shot by the Taliban after refusing to cooperate with them. The authenticity of the submitted evidence could not be established. The court ruled that this violated the risk group policy (in which those who worked for Western forces were recognised as systematically persecuted).	Administrative law, Immigration law	Resettlement (permanent)
(28) AWB /21-6893, ECLI:NL:RBDHA:2021:14351 (2021)	Three Afghan women, sisters of a translator who worked for Dutch and American forces, were placed on an evacuation list after the Taliban takeover in August 2021 but were not evacuated despite facing threats. They filed an administrative law objection requesting the court to order the Dutch government to evacuate them and their families from Afghanistan within two weeks. The interim relief judge rejected their request, ruling that the failure to evacuate was not a "decision" under administrative law because there is no legal authority for evacuation by or pursuant to Dutch law, as it would involve	Immigration law, Administrative law	Relocation (emergency)

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	exercising jurisdiction over another state's citizens within that state's territory. The court also found that evacuation does not fall under the Aliens Act 2000 since that law only regulates admission to and residence in the Netherlands, not actions taken on foreign soil. The judge concluded the applicants should pursue their claims in civil court rather than administrative court, noting a civil proceedings was already scheduled.		
(29) C-09-621290-KG ZA 21-1133, ECLI:NL:RBDHA:2022:175 (2021)	Four Afghan women and their families sought a court order compelling the Dutch State to evacuate them from Afghanistan after the Taliban takeover in civil summary proceedings, following an earlier unsuccessful administrative law challenge. Three women and their families were on the evacuation list and the State indicated they would likely be evacuated within a month, with delays attributed partly to missing passports and the need for data-sharing consent; the court rejected their claims finding the State was making sufficient efforts given its limited control and dependence on third parties including the Taliban. The fourth woman, a women's rights activist not on the evacuation list, argued she had been promised evacuation based on email contacts and statements from a third party, but the court found insufficient basis to order her evacuation given ambiguities about the scope of the parliamentary Belhaj motion. The court emphasized that in foreign policy matters the State has considerable discretion and judicial intervention requires restraint, though it characterized claimant 14's situation as "extremely unfortunate" and suggested the State reconsider her case as a gesture of goodwill. All claims were rejected with costs awarded to the State.	Immigration law, Administrative law	Relocation (emergency)
(30) 202206155/1/V6, ECLI:NL:RVS:2023:718 (2023)	An Afghan who had worked in support of the Dutch army in Afghanistan and requested a transfer. The application was denied on the grounds that the work	Immigration law, Administrative law	Resettlement (permanent)

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	was not high-profile. The applicant argued that his situation was equivalent to others who had been transferred. The government argued that those transfers were granted as a mistake and that they were not entitled to grant additional transfers and repeat the administrative error. The decision was annulled but remained in effect.		
(31) 202206138/1/V6, ECLI:NL:RVS:2023:719 (2023)	An Afghan applicant had worked for a contractor and UN agency. The government rejected the transfer on the grounds that individuals were ineligible. The applicant requested transfer on the principle of equality, as other UNAMA employees had been relocated during the emergency relocation period. The Minister argued that the principle of equality did not require transferring individuals who were not eligible. (Other examples include ECLI:NL:RBDHA:2023:2164, ECLI:NL:RVS:2025:129, ECLI:NL:RBDHA:2023:20243)	Immigration law, Administrative law	Resettlement (permanent)
(32) SGR 23/1954, ECLI:NL:RBDHA:2024:9254 (2024)	An Afghan interpreter requested to be transferred to the Netherlands under the Interpreters Regulations. The applicant requested a finding that the rejection was a final decision and that he was denied the opportunity to present evidence. The government sought a finding that the program was not subject to judicial review. The court found that a rejection of a request under the Interpreters Regulations was subject to judicial review and that the government is required to make a new decision.	Immigration law, Administrative law	Resettlement (permanent)
(33) 22/7357, ECLI:NL:RBDHA:2024:5118	The Afghan national was an interpreter for the Dutch military and sought transfer to the Netherlands. The government argued that the applicant was	Immigration law, Administrative law	Resettlement (permanent)

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(2024)	definitively ineligible for transfer because he was hired indirectly by a service provider, his work was not publicly visible, and he had not worked for one year. He argues that he explicitly requested under the Interpreter Regulations and that his work was publicly visible. The court determined that the applicant did not fall within a group eligible for transfer and that risk alone did not make the applicant eligible. Thus, no error was made.		
(34) 200.358.823/01, ECLI:NL:GHDHA:2025:2256 (2025)	Forty-two Afghan nationals who worked as security guards for a local contractor protecting the Dutch embassy in Kabul sought to compel the Netherlands to evacuate them after the Taliban takeover in August 2021. While a lower court ordered the State to provide transport and admit them to the Netherlands for asylum procedures, the Court of Appeal reversed this decision. The appellate court determined that Afghan law—not Dutch law—applied to the employment relationship, and found no legal duty under Afghan law requiring the State to evacuate the guards. The court also ruled that the Netherlands lacked jurisdiction over the plaintiffs under the European Convention on Human Rights and international treaties, as the State didn't exercise "effective control" over them despite their work at the embassy's outer perimeter. Consequently, the court rejected all claims and ordered the Afghan plaintiffs to pay legal costs of €6,484.47. Lower court judgment; InfoMigrants article	Employment law	Resettlement (permanent)
(35) 202405963/1/V6, ECLI:NL:RVS:2025:3130 (2025)	An Afghan man who worked as a guard for Dutch forces (2007-2010) sought transfer to the Netherlands after the Taliban takeover, but his request was rejected because he missed the October 11, 2021 deadline for a special evacuation provision. The Council of State upheld the rejection, finding the deadline wasn't disproportionate even though the evacuation was chaotic and the petitioner was	Immigration law, Administrative law	Resettlement (permanent)

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	in hiding without internet access. The court emphasized this is "extra-legal and favorable policy" where the government has broad discretion, and that fear of Taliban persecution—even for those who worked with Western troops—doesn't constitute an exceptional circumstance requiring deviation from policy. The court held that the Dutch government doesn't violate fundamental rights by declining to facilitate transfer, even if the Taliban might harm the petitioner.		
(36) NL24.45232 and NL24.18186, ECLI:NL:RBDHA:2025:11144 (2025)	An Afghan man who was evacuated to the Netherlands in 2022 had his first asylum application rejected after admitting he lied about working as a guard for Dutch authorities; his second application—based on substantiated work for an NGO and his two brothers' service as Afghan Security Guards (one now has asylum in the Netherlands, one was murdered)—was also rejected. The Hague District Court overturned the rejection, finding the Minister failed to properly weigh documentary evidence supporting his NGO employment (bank statements, work certificates, an HRDA pass) and improperly conflated credibility assessment with risk assessment regarding his brothers' ASG work. The court emphasized that it was undisputed that the applicant belonged to a risk group under EUAA guidance as a family member of ASG guards, and ordered reassessment of whether he has a well-founded fear of persecution. The court upheld the rejection of his claim based on anti-Taliban social media posts as insufficiently substantiated. The case was remanded for a new decision.	Immigration law, International human rights law, Administrative law	Protection against removal
Sweden			
(37) Case of 7 Afghan interpreters, Migration Court	Afghans who worked for Swedish forces applied for residence permits but were rejected. The Migration Court concluded that the European Convention of	Immigration law, International human	Resettlement (permanent), Protection

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Malmö 2014	Human Rights applies because Sweden had effective control over the interpreters due to their duties. Sweden's obligations applied even after Sweden handed over security responsibility to Afghan authorities. Sweden could meet its Convention obligations by granting a residence permit based on ties to Sweden. Sveriges advokatsamfund article 2014 and Sveriges Radio 2014	rights law	against removal
(38) Case of 3 Afghan interpreters, Migration Court in Malmö 2016	In 2016, 3 Afghan interpreters received permanent residence after their cases were previously rejected by the Swedish Migration board. The Malmö court found that, in light of the European Convention of Human Rights, these three interpreters had a special connection to Sweden ("särskild anknytning till Sverige"). A fourth applicant was was denied because of lack of clarity about his service. SVT article 2016	Immigration law, International human rights law	Resettlement (permanent)
United Kingdom			
(39) 12 Iraqi locally employed staff or their families sued to gain compensation for breach of duty of care (2008)	An Iraqi who translated for British army was murdered. His widow (and 11 other Iraqis under threat because of their employment with British forces) alleged violation of duty of care. All had applied to the Locally Engaged Staff Assistance Scheme but were not approved.The plaintiffs alleged that the UK government knew that the employment was dangerous but did not take steps to address the risk. The widow had received only $5,000 from British forces as compensation after her husband was murdered because of his work for the British. The Independent article	Employment law	Compensation, Resettlement (permanent)

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(40) R (on the application of AK, CK and WA) v. Secretary of State for Foreign and Commonwealth Affairs; Secretary of State for Defence [2008] EWHC 2227 (Admin)	3 Iraqi claimants (interpreters and a laundry assistant) who challenged their ineligibility for the UK Ex-Gratia scheme for Iraqi interpreters, which was inspired to recognise the risk faced by employees of the British state in Iraq. Their claim was that any criteria that cuts off people from consideration under the scheme because of the failure to work for 12 months, or the failure to work directly for the British armed forces, as opposed to a contractor, is irrational in that it undermines the very purpose of the scheme which is protection. Claim was unsuccessful.	Administrative law	Resettlement (permanent)
(41) 20 Iraqi local staff for British forces sue to gain compensation for breach of duty of care (2009)	Iraqis who translated for Iraqis sued the UK government for compensation, alleging that the UK government breached its duty of care. The Iraqis had worked for the UK and applied for the Locally Engaged Staff Assistance Scheme but were denied because they were not employed for 12 continuous months. BBC News article	Employment law	Compensation
(42) 40 former Iraqi interpreters sued the UK government for breach of duty of care (2011)	Iraqis who served as translators for British army sued for breach of duty of care and for failure to protect them. The applicants had applied for benefits under the Locally Engaged Staff Assistance Scheme but were rejected. They sought compensation of 5,000 GBP to 100,000 GBP as a result of harm faced as a result of their work. The Times article	Employment law	Compensation
(43) R (on the application of Hottak and another) v Secretary of State for Foreign and Commonwealth Affairs and another [2016] EWCA Civ	By a judicial review claim form issued on 2 May 2013, three Afghan nationals, sought judicial review of a 'failure' by the Secretaries of State for Foreign and Commonwealth Affairs and for Defence 'to extend to the claimants and similarly placed Afghan LES [locally employed staff] a scheme of assistance similar to or comparable with the Iraq LES scheme.' They asserted that the scheme put in	Employment law	Resettlement (permanent)

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438	place for Afghan LES was unlawfully discriminatory because of their nationality. The Court dismissed the claimants' appeal, which challenged the government's scheme to provide assistance to Afghan Local Staff. The High Court held the territorial scope of the Equality Act 2010 did not extend to Afghan interpreters working with the British military in Afghanistan. The case reminds employers to ensure nationals employed by a foreign subsidiary are employed under local terms and conditions, otherwise UK employment law may apply. Their contracts included express statements of undivided loyalty to their employer, but employees ordinarily owe duties of fidelity to their employers. While they worked at what may be regarded as British enclaves in Afghanistan, they were also part of the Afghan community, where Afghan law applied; and they could and would return to their Afghan homes when on leave. They were not employed on the same footing as British staff or British Service Personnel. EIN article		
(44) Alo & Ors, R. (On the Application Of) v Secretary of State for the Home Department [2022] EWHC 2380	Case involves an Afghan national who had worked as an interpreter for the British military in Afghanistan (and his wife and children). The applicant was seeking relocation under ARAP and received clearance for travel, before receiving a denial notice noting security concerns and indicating that the applicant did not have a right of appeal. This case is a judicial review claim brought by a family of Afghan nationals against the Secretary of State for the Home Department's decisions to refuse their applications for entry clearance under the Immigration Rules. Swift J granted the Claimants permission to apply for judicial review on the four grounds advanced and allowed their claim, remitting their applications to the Secretary of State for further consideration. Summary from barristers	Administrative law, Immigration law	Resettlement (permanent)

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(45) UK case "AZ," decided 2023	An Afghan who served as a British army interpreter in Helmand was approved for UK relocation in late 2020, but the Home Office refused to issue visas, causing him and his family to miss the August 2021 evacuation from Afghanistan. After judicial review challenges, he was approved for visas in early 2023, but then became stranded in Iran when the Home Secretary imposed a "housing requirement" mandating that Afghan Relocations and Assistance Policy-eligible Afghans must have permanent UK accommodation arranged before arrival or receiving visas. The interpreter, known as AZ, challenged this policy as unlawful through Leigh Day solicitors, arguing it was an impossible condition with no legal basis and forced approved applicants to remain in dangerous situations. At an October 17, 2023 hearing, Mr Justice Chamberlain granted interim relief ordering the family's immediate transfer to the UK due to specific risks they faced in Iran, and the government subsequently abolished the housing requirement policy for all ARAP and ACRS applicants. The family arrived safely in the UK in late October 2023. Summary from law firm Leigh Day; summary from law firm Monckton; 2023 EIN article	Immigration law	Resettlement (permanent)
(46) *FMA and others v Secretary of State for the Home Department* [2023] EWHC 1579 (Admin), [2024] 1 WLR 723, [2023] All ER (D) 23 (Jul)	An Afghan interpreter for British forces and his family challenged the Secretary of State's refusal of a visa on the grounds that his presence in the UK would not be conducive to the public good. The court held that, while the security risks were relevant to his eligibility for relocation, it was not relevant to whether a visa should be granted and whether the interpreter's presence was conducive to the public good. The court also held that the allegations were sufficiently serious to justify refusal of a visa. The court held that the reasons given in closed evidence for reasons of national security were sufficient to show that reasonable enquiries had been made. At the Court of Appeals, the question was whether, in making his proportionality assessment, the Secretary of State was required to consider	Administrative law, Immigration law	Resettlement (permanent)

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	the nature and extent of the risks the Appellant and his family (or any ARAP applicant) would face in Afghanistan if visas were refused. The Appellant argued that the "public good" is multi-faceted and includes the recognised good in repaying the "debt of gratitude" owed to those who risked their lives to support UK forces. A week before the appeal was due to be heard, the Secretary of State granted visas and agreed to use his best endeavours to enable them to reach the UK. The underlying issue remains live and can impact anyone whose ARAP (or any other visa) application that has been or may be refused on "conducive" grounds. Law firm summary		
(47) R (on the application of LR (Afghanistan)) v Secretary of State for the Home Department (Ukrainian Family Scheme – discrimination, nationality) [2024] UKUT 00236 (IAC)	An Afghan national who was studying in Ukraine and fled to Germany after the Russian invasion challenged his exclusion from the UK's Ukrainian Family Scheme (UFS), arguing he should be allowed to join his brother who has settled status in the UK. The Upper Tribunal found that while the UFS nationality requirement constituted direct discrimination against non-Ukrainians, this was objectively justified by compelling reasons including the need for rapid processing, risk of application abuse, administrative burdens, and the availability of protection in safe EU countries. The court rejected the claim that family life between the brothers engaged Article 8 ECHR, finding they had lived apart for over eight years with only regular communication and occasional financial support, falling short of the "real, committed or effective support" required. Even if Article 8 were engaged, the interference would be proportionate given the applicant's stable status in Germany with legal residence, employment, and access to healthcare. The judicial review was dismissed on all grounds including discrimination, breach of Article 8, and failure to properly exercise discretion outside the Immigration Rules.	International human rights law, Immigration law	Resettlement (family), Resettlement (permanent)

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(48) R (AFA and Others) v SSHD [2025] EWCA Civ 825	This case involved Afghan nationals who had worked for UK-funded programs and applied for resettlement under the Afghan Relocations and Assistance Policy (ARAP). They were among 20,000-25,000 ARAP applicants whose information was included in a Ministry of Defence data breach in February 2022. The government adopted a policy to relocate only "high-profile" individuals deemed at highest risk from the data leak, rather than everyone affected by the breach. The appellants challenged this policy as irrational and argued the government unlawfully fettered its discretion in refusing to conduct individualized risk assessments for all affected persons. The Court of Appeal dismissed both appeals, holding that the policy was rational given the difficult circumstances, resource constraints, and competing interests, and that the fettering doctrine did not apply because the policy was created under prerogative powers rather than statutory authority. The court emphasized that the question was not whether the line could have been drawn differently, but whether the decision to limit relocation to high-profile roles was a rational policy choice. Free Movement article.	Immigration law, Administrative law	Resettlement (permanent), Data privacy
(49) Ministry of Defence v Global Media and Entertainment Ltd and others [2025] EWHC 1806 (KB)	Court lifts super-injunction over Afghan data breach On 15th July 2025, Mr Justice Chamberlain handed down judgment in Ministry of Defence v Global Media and Entertainment Ltd and others [2025] EWHC 1806 (KB). In this judgment, the Court explains why a superinjunction, granted on the application of the Ministry of Defence ("MoD") on 1st September 2023, is now being discharged nearly two years later. Law firm summary	Administrative law	Data privacy
(50) Legal challenge for compensation of UK data	Afghans whose data was disclosed in 2022 data breach are suing for financial compensation, seeking 50,000 GBP per person. Legal Futures article; Forces	Administrative law, Data privacy	Financial compensation

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privacy breach (2025)	News article.		
(51) RA and AA v Secretary of State for Foreign, Commonwealth and Development Affairs [2026] EWCA Civ 3 (2025)	In , the UK Court of Appeal overturned orders made by a High Court judge in litigation arising from the Afghan Relocations and Assistance Policy (ARAP) and a 2022 data breach that compromised personal information of Afghan applicants. The judge had made "general directions" requiring the Ministry of Defence to provide sworn affidavit evidence for any extension of time in all ARAP-related cases—including cases not before him and cases not yet filed—after finding that the Ministry had repeatedly misled the court through serial failures of communication. He also issued a mandatory order directing ministers to revise the Afghanistan Response Route policy and serve copies on the Special Advocates' Support Office. The Court of Appeal held that these orders exceeded the court's jurisdiction: judges may only make orders in the cases actually before them, and mandatory orders dictating government policy cross the constitutional boundary between judiciary and executive. While endorsing the judge's concerns about the Ministry's conduct, the Court suggested alternative approaches—such as requiring the government to draw attention to the court's concerns in other cases under its duty of candour—that would have achieved similar ends without overstepping judicial authority.	Administrative law, Immigration Law	Relocation
United States			
(52) Litigation brought under Freedom of Information Act	Administrative law allowing for transparency of government documents. The US-based NGO IRAP has used FOIA for numerous lawsuits about a program to review employment of Afghan SIV applicants, about the status of programs in 2021 during withdrawal; and employment records. IRAP Project Rabbit; IRAP	Transparency law, Immigration law	Data release, Resettlement (permanent)

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	FOIA Afghan SIV and Parole productions; FOIA Afghan SIV Eligibility		
(53) Nadheer v. Insurance Company of the State of Pennsylvania (2013)	Iraqi linguist sought damages under the Defense Base Act, which establishes extraterritorial jurisdiction for U.S. courts for some employees on U.S. military bases overseas, after he was serious injured in a roadside bomb while working. He sued for breach of contract and other causes of action. The court found that the DBA was his exclusive avenue to recover damages for his injury.	Employment law, Contract law	Compensation
(54) Nine Iraqi Allies v Kerry (2016)	Lawsuit challenging delays in SIV program for Iraqi and Afghan local staff. IRAP resource	Administrative law, Immigration law	Processing delays (mandate to fix), Resettlement (permanent)
(55) Mikha v. Director, Office Workers Compensation Program (2017)	Iraqi driver experienced injuries from an improvised explosive device while driving a truck. His claim was denied on the grounds that the driver had not established his employer/employee relationship.	Employment law	Compensation
(56) Afghan and Iraqi Allies v. Pompeo (2019)	Lawsuit alleging unreasonable delays in the Afghan SIV program. IRAP resource	Administrative law, Immigration law	Processing delays (mandate to fix), Resettlement (permanent)
(57) Global Linguist Solutions v. Abdelmeged (2019)	Claim of an Iraqi linguist claiming that he had PTSD on the basis of his work, and suing for compensation under the Defense Base Act. The court upholds the finding that the linguist was entitled to compensation.	Employment law, Contract law	Compensation

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(58) John Doe v. United States (2021)	An Afghan SIV applicant's Chief of Mission approval was withdrawn. This lawsuit challenged the withdrawal on administrative grounds and Department of State issued the visa. Case was dismissed without a court ruling or policy. IRAP resource.	Administrative law, Immigration law	Resettlement (permanent)
(59) Mohammad v. Blinken (2022)	Lawsuit to compel protection of family members for Afghan local staff applying for SIV. Visas were issued and the case was closed without a court ruling. IRAP resource	Immigration law	Relocation (emergency), Resettlement (family)
(60) S.A.M. v. State (2024)	Challenging eligibility denials for Afghan SIVs as inadequate (government filed motion to dismiss. No court ruling). IRAP resource	Immigration law, Transparency law	Resettlement (permanent), Data release
(61) M.M.M. v. State (2025)	Challenging exclusions of children who aged out during SIV processing timelines. Resulted in updated Department of State agency policy. FAM section; Complaint; IRAP resource	Immigration law	Resettlement (permanent)
(62) Yasini Doe v. US Dept of State, Case No. 1:25-cv-3676 (2025)	Three Afghan nationals who provided critical security services to the United States military filed a federal lawsuit after they were denied the chance to apply for a Special Immigrant Visa (SIV). The plaintiffs are former employees of the Afghan National Public Protection Force (NPPF), an entity owned by the U.S.-backed Afghan government, which the U.S. Department of Defense had formally agreed to contract. The plaintiffs argue that the disqualification of Afghan state-owned entities is an unlawful limitation imposed solely by the State Department. Complaint; IRAP resource; Washington Examiner article	Administrative law, Immigration law	Resettlement (permanent)

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