



Home Office presses ahead with Afghan deportations as country unravels



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As things stand, a charter flight deporting Afghans back to their home country is still scheduled to leave London tomorrow. But its numbers will be much reduced following a successful legal battle in which lawyers managed to save dozens of them.

Originally there were going to be up to 45 people on that flight. Now anyone who comes from an unsafe province will be taken off. Lawyers are working to ensure anyone with mental or physical disabilities is also taken off.

But how did it come to this? How did the Home Office think it was OK to deport people with disabilities to parts of a war-torn country which are considered highly dangerous by Afghanistan's own ministers? The truth is the government knows the legal and moral arguments against the deportations, but it is intent on side-stepping them.

A judicial review from legal firm Duncan Lewis opposed the deportations on two basis: Firstly that there are only three provinces in the entire country to which people can be safely returned - Kabul, Bamyam and Panjshir. Of course, these are relative descriptions of safety. On Saturday, [a suicide attack](#) in Kabul killed 12 and injured at least 88 others, including 13 children and 21 women. But nevertheless, it is considered the safest place in all Afghanistan.

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Secondly they challenged the deportations on the basis that there are no provisions for vulnerable people to be removed to the country. There are no facilities from those suffering from mental trauma or disability. There is only chaos, as it continues to unravel.

That much has been made clear by Hossein Alami Balkhi, Afghanistan's minister for refugees and repatriation, [who told European ministers](#) to stop deporting people back to his country because 80% of it is insecure.

The judicial review was rejected but permission to appeal was granted in strong terms, leading many campaigners to have high hopes for an eventual ruling stopping future deportations. Since then, the legal status has been in a holding pattern, with campaigners pointing to [Lady Justice Rafferty's decision](#) to halt a previous deportation flight.

The appeal case is expected in a couple of months. Until then, one might expect the Home Office to cease deportations until the legal status of Afghan deportations has been established. Instead, they are pressing ahead, desperately trying to launch charter flights full of deportees before the appeal case is heard. They even issued new official country guidance for the officers making asylum decisions, despite being entirely unclear as to what the final legal status of removals was.

On Friday, the court of appeal again had to slap down the home secretary's eagerness to carry out deportations. She'd applied to vary the court of appeal order, but Lord Justice Clarke rejected it on the basis that there was a potential irrevocable risk of serious harm if the deportees were removed prior to a final decision.

"It is clear that the deteriorating security situation in Afghanistan means that the UK government needs to seriously consider their current policy on returns to Kabul. What is unprecedented is that the court of appeal has had to again intervene at the last minute," Duncan Lewis solicitor Toufique Hossain said.

"The order granting permission by Lord Justice Clarke demonstrates that the issues in this case have yet to be properly resolved and it is surely reasonable to await the outcome of the final decision by the court before booking costly charter flights, looking to effect removal to Afghanistan."

You'd have thought that recent events in Afghanistan – and the press coverage of them – would give the Home Office pause for thought. Reports emerged recently of a nine-year-old nephew of a former Afghan translator for the British army [who was executed](#) by the Taliban in retaliation for his uncle's services. An Afghan interpreter who was denied refuge by Britain [was recently executed](#) after trying to flee the country. This treatment is not restricted to interpreters. Anyone with a connection to Britain is considered suspect.

This is not even a difficult political position the Home Office finds itself in. Even the Mail is up in arms about the total failure to protect those who helped the British army. The public understand Afghanistan is not safe and that it is particularly unsafe for anyone with a connection to Britain. No-one but the Home Office is clamouring for removals to be restarted. But even if one does believe they should be restarted, one should not frantically try to do so ahead of a legal ruling concluding it was safe.

It seems it is up to the courts, once again, to ensure there is a basic moral and legal standard to our deportation system.

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