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UK Faces Legal Challenge Over Afghan Refugee Resettlement

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The British government is bracing for a significant legal battle that could compel it to process resettlement claims for up to 100,000 Afghans, including family members of applicants. Lawyers are preparing a judicial review to challenge the Ministry of Defence's decision to close a resettlement scheme for Afghans who worked with British forces. The challenge hinges on claims that the rights of these individuals, under the European

Convention on Human Rights (ECHR), are being violated due to the risk of Taliban reprisals following a major data breach.

In February 2022, a Royal Marine inadvertently leaked a government spreadsheet containing the names of 25,000 Afghans who had applied for resettlement in the UK. These individuals, many of whom supported British military operations, now face heightened dangers due to their exposed identities. The legal action will argue that the closure of the resettlement programme disregards the ongoing threat to these Afghans' rights under Article 2 (right to life) and Article 3 (freedom from degrading treatment or punishment) of the ECHR.

Sean Humber, a partner at Leigh Day, told The Telegraph: "We are exploring legal avenues for a judicial challenge on behalf of those denied relocation. These individuals are now at greater risk due to the data leak. Beyond compensation, the question is whether the government must act to protect them." When factoring in families and dependents, ministers estimate the total number of affected individuals could reach between 80,000 and 100,000.

Since the fall of Kabul in August 2021, approximately 36,000 Afghans have been resettled in the UK under various resettlement routes. The Afghan Response Route alone has facilitated the relocation of 900 Afghans and 3,600 family members, with 600 additional applications approved.

The programme's cost is estimated at £400 million, potentially rising to £850 million. The data breach also exposed details of over 100 British personnel, including spies and special forces members, compounding concerns about national security.

The leak remained under wraps until recently, when a news blackout imposed by the previous Conservative government was lifted. The current Labour government now faces mounting pressure to address the fallout. Critics argue that the decision to halt the resettlement scheme reflects a broader reluctance to tackle the consequences of the data breach, leaving vulnerable Afghans in limbo.

This legal challenge underscores the tension between national security, international obligations, and the moral duty to protect allies who risked their lives for British interests. As the judicial review looms, the government's response will be closely scrutinised, with significant implications for its immigration and foreign policy stance.