

FREQUENTLY ASKED QUESTIONS CONSULTATION ON THE CAP ON SAFE AND LEGAL ROUTES

Where should responses be sent?

Please send your response form to capconsultation@homeoffice.gov.uk

Who should respond to this consultation?

We are expecting every Local Authority (or equivalent) to respond to this consultation. In two tier areas please provide an answer which is agreed by both the district and the county.

Why are you only consulting Local Authorities?

Local Authorities play an integral role in the delivery of safe and legal routes in providing accommodation and integration services. This is why we are seeking a realistic response on the capacity of local areas to support those arriving through these routes.

What about the NGOs and housing associations?

As part of their response, Local Authorities are asked to engage with community groups and third sector organisations who deliver services in their areas to ensure a realistic commitment which reflects the capacity in each local area. Once the consultation closes there will be a period of consolidation to review and consider the responses.

What if we don't respond to this consultation?

It is important that we can see a complete picture of the UK's capacity through this consultation. Should a response not be received it will be treated as a 'zero capacity' commitment from the area.

What happens if we can't respond in time? Will our commitment not count towards the cap?

It is important your response is sent by the deadline to allow us to continue progressing the setting of the cap. In exceptional circumstances consideration can be given to any Local Authority (or equivalent) if sufficient prior notice has been given and timings have been agreed.

Why do you need to know a figure so far into the future? (for 2025)

There are a number of factors which mean the consultation has to take place now for a future cap. As set out in the Illegal Migration Act, a Statutory Instrument will be laid in Parliament to allow both Houses to debate and approve the cap figure before it is operationalised. The timings for this process, the need to give proper consideration to the consultation responses, and because government and many organisations - like UNHCR - work to different planning timeframes mean that the cap will not commence until 2025.

The cap is annual, and we will review the figures on a yearly basis. We are considering the best way to do this to limit the burden on local authorities. This first consultation will allow us to decide the best approach for future years.

How are Local Authorities meant to know what capacity they will have to resettle refugees?

We appreciate that committing to a figure for 2025 is complex and will require careful analysis. Responses will vary by area and will be dependent on local commitments. We suggest that you review your previous and current resettlement capacity, alongside the future commitments you have already made, and carefully consider what is feasible for the future. Once the responses are returned, there will be a period of consolidation to review and consider the responses.

Which routes will be included in the cap?

The cap will include the UK Resettlement Scheme, Community Sponsorship and the Afghan Citizens Resettlement Scheme Pathway 2 and Pathway 3 stage 2.

While there are some safe and legal routes not included in the cap – the Ukraine schemes, Hong Kong BNO route, Mandate and the Afghan Relocation and Assistance Policy – Local Authorities should consider the impact of these routes on their ability to welcome, house and support those arriving through capped schemes to provide a realistic view of capacity.

What funding will be available?

Funding tariffs will continue in their current form, there is no change to the funding associated with the routes included in the cap.

Will new routes be developed once the cap has been set?

Any new route can be developed outside of the cap, including emergency pathways, should there be an international crisis that warrants a bespoke UK response.

Should a new route be considered as suitable for inclusion in the cap then this will be put to Parliament for a decision after a consultation on capacity with local authorities and other relevant groups, in line with the proposed standard process on determining the cap figure.

Will the consultation response be made public?

A summary of the outcome of the consultation will be published next summer in advance of laying a Statutory Instrument in Parliament. We do not plan to share individual consultation responses.

What if we cannot make our commitments?

The purpose of the cap is to have a realistic understanding of each area's capacity to resettle refugees. In order for this to be effective, it is vitally important that you provide a figure that is considered and can be delivered if called upon.