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Dear Mr Valdez-Symonds

Thank you for your letter of 21 April on behalf of Amnesty International UK about the Migration and Economic Development Partnership between the UK and Rwanda. I apologise for the delay in our response but welcome the opportunity to respond to the questions you raise.

Firstly, I want to state that the UK is not abdicating our responsibilities to Rwanda. We want to give safe and legal routes to individuals such as those fleeing conflict zones, rather than those already in a safe country like France. It is an established principle that people should claim asylum in the first safe country they reach, and there is nothing in the UN Refugee Convention which prevents relocation to a safe third country. Nobody should put their lives into the hands of criminal people smuggling gangs by making dangerous and unnecessary journeys.

We will not seek to relocate anyone to Rwanda where to do so would breach the UK's obligations under the Refugee Convention or the European Convention on Human Rights, for example. Even where we determine a country is generally safe, vulnerabilities will be taken into careful consideration, and any oral or written representations from the individual will be considered ahead of any relocation to a safe third country.

Working together, the United Kingdom and Rwanda will help make the immigration system fairer, ensure that people are safe and enjoy new opportunities to flourish. It is by reforming the asylum system and taking bold, international action to address the global migration crisis that we can ensure we can keep providing protection for those who need it, especially those most vulnerable, through proper safe and legal routes.

Answers to your questions

Thank you for the considered questions in your letter. Please find my responses as follows:

1. Under what domestic legal power will a person be transported to Rwanda under this Memorandum?

The Immigration and Asylum Act 1999 (Section 10) enables the Home Office to remove persons from the UK who require leave but do not have it.

2 & 3. By what criteria will it be decided that a person is to be transported to Rwanda under this Memorandum? By what mechanism will it be decided that a person is to be transported to Rwanda under this Memorandum?

With the exception of unaccompanied children, any individual who has arrived in the UK since 1 January 2022 by unnecessary and dangerous means from safe countries – including those arriving by small boats or hidden in the back of lorries - may be considered for relocation to Rwanda. Each case will be assessed individually. Everyone considered for relocation will be screened and have access to legal advice. Decisions will be taken on a case-by-case basis, and nobody will be relocated if it is unsafe or inappropriate for them. More details are set out in our inadmissibility policy guidance on GOV.UK.

4. What access to legal advice and representation will be made available to someone, who is being considered for transportation to Rwanda under this Memorandum – both before a decision is made on that question and, if it is decided to transport them, before that is done?

All individuals suitable for relocation will have access to legal assistance prior to their relocation. Legal aid lawyers are situated within Immigration Removal Centres for those who are detained.

5. Does the UK propose to monitor the treatment and welfare of people who are transported to Rwanda under this Memorandum; and if so, how?

The Memorandum of Understanding includes a range of assurances regarding the treatment and welfare of individuals relocated to Rwanda. The implementation of these assurances will be monitored by both the Joint Committee and the independent Monitoring Committee also established under the MoU. More details about this will be set out in due course.

6. What effective remedy will there be for people who are transported to Rwanda under this Memorandum if Rwanda is unable or otherwise fails to meet the asylum and other obligations (whether under the Memorandum or otherwise) owed to anyone whom it receives?

Rwanda has a strong history of welcoming refugees, gaining international recognition for improving their lives, employability and integration in local communities. No one will be relocated to Rwanda if it would be unsafe or inappropriate for them. Under this arrangement, Rwanda will process claims in accordance with the UN Refugee Convention, national and international human rights laws, and will ensure relocated individuals' protection from inhuman and degrading treatment and refoulement.

Together with Rwanda we have worked incredibly hard on this MoU, and both sides are committed to upholding it. A range of assurances are included regarding the treatment of individuals, ensuring that they can build new lives in Rwanda. The UK has also ensured that funding is in place to ensure that the Government of Rwanda have the capability to fulfil these commitments as part of the partnership.

7 & 8 Having regard to this statement in the Preamble, please explain how the transportation of a person seeking asylum in the UK to Rwanda, unless that person wishes to be transported there, will not constitute a penalty? Please explain how it will be expeditious to subject a person who has made a claim for asylum in the UK to a process for their transportation and then transport them thousands of miles to Rwanda rather than determine their claim in the UK where they are and have made their claim?

We want to be clear – relocating people to Rwanda is not a penalty. Those who seek safety will still be provided with it. This Government recognises the need for the global community to provide better international protection for asylum seekers and refugees, underlying the importance of effective and functioning systems which provide protection to those in need whilst preventing abuse.

This arrangement is based on a shared commitment to finding fair and sustainable solutions to address global migration challenges and to protect the most vulnerable. In this way the UK and our international partners will not allow the people smugglers to decide where and how people cross borders and claim asylum. Instead, we will work together to promote a new fair and human asylum system, deter illegal migration and create safe and legal routes for those fleeing persecution.

We need to break the criminal enterprise that has been built from people crossing to the UK via dangerous means.

Those individuals who are relocated to Rwanda will be given all the support they need to lead dignified and fulfilled lives there and will be free to come and go.

This policy, alongside a suite of other measures set out in the New Plan for Immigration, is designed to disincentivise unnecessary and dangerous journeys such as small boat crossings.

9. Please explain how it is considered to promote responsibility sharing for a relatively rich country like the UK to transport people seeking asylum on its territory to a significantly poorer country such as Rwanda, which is already hosting a disproportionately large refugee population?

This arrangement between the UK and Rwanda will provide a humanitarian approach to assessing and processing asylum claims, to international standards and in safe and humane conditions. It recognises and addresses the need to 'level up' prospects in Africa and the Global South, helping Rwanda and those who resettle there to develop economically. The UK is providing substantial investment to boost the development of Rwanda, including jobs, skills and opportunities to benefit both relocated individuals and host communities. This includes an initial investment of £120m as part of a new Economic Transformation and Integration Fund.

The UK is also funding the processing costs for each relocated individual, such as caseworkers, legal advice, translators, accommodation, food, healthcare, and for those granted protection, a comprehensive integration package to help them put down roots and start a new life.

By relocating those eligible individuals who arrive via dangerous and unnecessary journeys, the scheme breaks the people smugglers' business model by not giving them the prospect of gaining entry to the UK to 'sell'. This prevents the financial exploitation of vulnerable people and protects them from real risks to life and wellbeing.

Equally, the arrangement gives those fleeing persecution or seeking better social and economic prospects a viable alternative in which to build safe and prosperous lives. Our Rwandan partners are excited about the prospect of welcoming people under this arrangement and look forward to their contribution to the country.

10 & 11. Having regard to that statement in the Preamble, please would you confirm whether a British National (Overseas), who cannot meet the financial or other requirements in the immigration rules, will nonetheless be eligible to receive a visa to come to the UK if she, he or they wish to seek asylum from persecution in Hong Kong. If so, please identify under what immigration rule or policy this will be possible for such a person? Please would you also confirm whether a Hong Kong resident who is not a British National (Overseas) will nonetheless be eligible to receive a visa to come to the UK if she, he or they wish to seek asylum from persecution in Hong Kong. If so, please identify under what immigration rule or policy this will be possible for such a person?

Those with a British National (Overseas) (BN(O)) or HKSAR passports can enter the UK as a visitor for up to 6 months without applying for a visitor visa.

The UK has a proud record of providing protection for people who need it, in accordance with our obligations under the Refugee Convention and the European Convention on Human Rights. However, there is no provision within our Immigration Rules for someone to be allowed to travel to the UK to seek asylum or temporary refuge. Whilst we sympathise with people in many difficult situations around the world, we are not bound to consider asylum claims from the very large numbers of people overseas who might like to come here. Those who need international protection should claim asylum in the first safe country they reach – that is the fastest route to safety.

12. Please would you confirm that the UK has no similar legislative or policy position; identify where in law or policy the position is set out. If it is correct that the UK does not currently have, will the UK adopt, such a position (how and when)?

The UK's domestic immigration framework enables the Home Office to relocate persons unlawfully in the UK. It also provides for asylum claims to be deemed inadmissible and not substantively considered in the UK system if the claimant travels through safe countries to enter the UK.

Nobody should put their lives into the hands of criminal people smuggling gangs by making dangerous and unnecessary journeys. There are legal and safe ways for those who wish to come and live in the UK, and we will continue to offer safe and legal routes for refugees from across the world. Concerted action must be taken to tackle the criminal gangs who are exploiting migrants, pushing them to make dangerous journeys to the UK with false promises that they can settle here if they make it.

13 & 14 Has the Home Office (or UK Government) conducted any evaluation of the arrangement between Israel and Rwanda by which Israel had previously transported refugees and people seeking asylum to Rwanda? If so, please would you disclose a copy of that evaluation? Has the Home Office (or UK Government) conducted any evaluation of the arrangements, referred to in the Preamble to the Memorandum, concerning Rwanda's participation in the Emergency Transit Mechanism for "refugees trapped in detention in Libya"? If so, please would you disclose a copy of that evaluation?

Our own published assessment of Rwanda and their asylum process has found it is a fundamentally safe and secure country with a track record of supporting asylum seekers, including working with the UN Refugee Agency which said the country has a safe and protective environment for refugees. It can be found here: [Rwanda: country policy and information notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policy-and-information-notes/rwanda-country-policy-and-information-notes)

We cannot comment on other international partnerships.

15. Please would you disclose the cost of this – how much has been spent and/or how much has been set aside to be spent on promotional and public relations material upon these various matters (a) over first sixth months of 2021, (b) over the last sixth months of 2021, (c) over the first sixth months of 2022, and (d) over the last sixth months of 2022?

Any spend incurred on communications in relation to this activity will be made public in due course through the usual transparency processes.

I thank you again for taking the time to write to me about the Migration and Economic Development Partnership and hope that the answers provided throughout this response will alleviate any concerns you have on this arrangement with Rwanda.

Your sincerely



Matthew Rycroft
Permanent Secretary