

The UK-Rwanda Migration and Economic Development Partnership Based on International Refugee Law

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Abstract

On April 14, 2022, British Prime Minister Boris Johnson announced intentions to deport Rwandan asylum seekers arriving by small boats. Under this arrangement, individuals who sought protection but were later deemed unsuitable and undesirable by the UK would be re-transported to Rwanda, where Rwandan authorities would review their claims. This Policy was rejected by several asylum and refugee organizations, which argued that it was inhumane and would only imprison asylum seekers before sending them to countries where they faced torture or persecution. This study employed sociolegal analysis and combined doctrinal research with an empirical approach. It used secondary sources, such as government statements, reports, articles, and news reports. The result explains the UK and Rwanda Memorandum of Understanding on Migration, the development of the policy, and how international law view it. This study provides evidence that the UK has violated international law by implementing the partnership plan with Rwanda. The bilateral transfer arrangement is incompatible with or violates Article 31, 33 (1) of the 1951 Refugee Convention; and Article 3 of the European Convention on Human Rights. Furthermore, Rwanda has failed to meet the conditions for accommodation and to ensure its safety from deportation, persecution, or other human rights abuses committed by its residents and the government.

Keywords: non-refoulment, safe third country, UK-Rwanda agreement.

A. Introduction

Under the UK government's current policy, asylum seekers arriving in UK may be sent to Rwanda, as Prime Minister Boris Johnson announced on April 14, 2022.¹ According to the UK government's statistics, 45,755 migrants arrived via small boats in 2022, representing a 60% increase from 28,526 arrivals in 2021.² Asylum contributes to additional societal challenges such as housing shortages, employment difficulties, and integration issues. These are accompanied by negative public perceptions of refugees.³ Moreover, arrivals made by small boats are categorized as

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¹ BBC News, "Why Are Asylum Seekers Being Sent to Rwanda and How Many Could Go?," June 15, 2022, <https://www.bbc.com/news/explainers-61782866>.

² UK Home Office, "Irregular Migration to the UK, Year Ending June 2024," GOV.UK, August 22, 2024, <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-june-2024/irregular-migration-to-the-uk-year-ending-june-2024>.

³ Becky Taylor, *Refugees in Twentieth-Century Britain : A History* (Cambridge, UK ; New York, Ny: Cambridge University Press, 2021): 1-28, DOI: 10.1017/9781316946299.001.

irregular or illegal migration⁴. One of the purposes and rationale of creating migration policies is the UK government's establishment of collaboration with Rwanda, which stems from this 'irregular migrant'.⁵

On April 14, 2022, the UK-Rwanda MoU on Migration and Economic Development was signed.⁶ Under this agreement, asylum seekers deemed ineligible in the UK would be transferred to Rwanda, where Rwandan authorities would reassess their claims.⁷ According to the UK government, those who are granted asylum in Rwanda would be unable to return to the UK and will be forced to stay if their claim is granted.⁸ This policy also states that to apply for asylum status in Rwanda, one must follow Rwandan national law concerning regulations about asylum and migrants. If asylum is not granted, applicants will be deported from Rwanda to the country where they are legally entitled to reside.⁹

The British Refugee Council, responded to this strategy by describing it as inhumane and unprincipled, compared asylum seekers to human cargo and claimed that deportation was both legally possible and impracticable.¹⁰ Subsequently, the forced relocation of asylum seekers to Rwanda presents a significant danger of breaking international non-refoulement legislation.¹¹ The UNHCR, stated that the organization thinks wealthier states should collaborate more effectively to address refugee issues rather than outsourcing responsibility through agreements such as this one involving Rwanda.¹² Despite criticism from various experts regarding its legality and ethics, the UK government has persisted with its goal of implementing this cooperation strategy with Rwanda.

This study examined the UK-Rwanda policy up to the British Supreme Court ruling, which deemed the agreement illegal. In response, the UK government introduced emergency legislation to override the ruling, declaring Rwanda legally

⁴ See Martin Ruhs and Bridget Anderson, "Semi-Compliance and Illegality in Migrant Labour Markets: An Analysis of Migrants, Employers and the State in the UK," *Population, Space and Place* 16, no. 3 (2009): 195–211, DOI: 10.1002/psp.588; Maurizio Ambrosini and Minke H.J. Hajer, *Irregular Migration, IMISCOE Research Series* (Springer International Publishing, 2023): 15–32, DOI: 10.1007/978-3-031-30838-3.

⁵ Sarah Spencer and Anna Triandafyllidou, eds., *Migrants with Irregular Status in Europe : Evolving Conceptual and Policy Challenges* (Cham: Springer International Publishing, Imprint Springer, 2020).

⁶ James Goddard, "UK-Rwanda Asylum Agreement: Why Is It a Memorandum of Understanding and Not a Treaty?," House of Lords Library, January 26, 2023, <https://lordslibrary.parliament.uk/uk-rwanda-asylum-agreement-why-is-it-a-memorandum-of-understanding-and-not-a-treaty/>.

⁷ Goddard, "UK-Rwanda."

⁸ Goddard, "UK-Rwanda."

⁹ Goddard, "UK-Rwanda."

¹⁰ Refugee Council, "Commentary of the Agreement with Rwanda for Outsourcing the UK's Asylum System" (UK: British Refugee Council, April 2022).

¹¹ Christy Cooney, "First Refugees to Be Told This Week of Their Relocation to Rwanda," the Guardian, May 9, 2022, <https://www.theguardian.com/uk-news/2022/may/09/first-refugees-to-be-told-this-week-of-their-relocation-to-rwanda>.

¹² United Nations, "UN Expert Urges UK to Halt Transfer of Asylum Seekers to Rwanda," UN News (United Nations, June 17, 2022), <https://news.un.org/en/story/2022/06/1120722>.

safe.¹³ The bill required judges, immigration officers, and the secretary of state to treat Rwanda as safe despite contrary evidence.¹⁴

The bill faced parliamentary disputes, with the House of Commons rejecting amendments proposed by the House of Lords.¹⁵ After ongoing debate, it became law on April 25, 2024, as the Safety of Rwanda (Asylum and Immigration) Act 2024.¹⁶ However, the new Prime Minister pledged to repeal the Act, prioritizing border security instead. Despite this, leaked documents suggest the UK is negotiating with Armenia, Botswana, Ivory Coast, and Costa Rica to relocate undocumented migrants.¹⁷ The 2024 Act's asylum policies raise concerns about potentially undermining international law and human rights protections.

This study examined the UK-Rwanda policy's development, legal implications, and human rights impact. It first explored the UK-Rwanda MoU and its evolution after the Supreme Court's ruling in 2023. Subsequently, it analyzed the policy's compatibility with human rights and international refugee law. Evidence suggests the UK has violated international law, including Article 33(1) of the Geneva Convention, Article 31 of the Refugee Convention, and Article 3 of the European Convention on Human Rights.

B. Development of the UK – Rwanda Partnership Policy

1. The Memorandum of Understanding Era

The UK government has maintained a strict stance on asylum seekers, reinforcing immigration control policies that reflect the broader “hostile environment” approach introduced in 2012.¹⁸ The UK-Rwanda MoU, signed on April 14, 2022, emerged as an extension of this approach, aiming to externalize asylum processing and deter irregular migration.¹⁹ The MoU stipulated that asylum seekers deemed inadmissible by the UK would be relocated to Rwanda, where Rwandan authorities would assess their claims.²⁰ The Government contended that this policy was designed to curb irregular migration routes and disrupt human smuggling

¹³ Megan Specia, ‘A Timeline of Britain’s Troubled Plan to Send Asylum Seekers to Rwanda’ *The New York Times* (17 April 2024) <<https://www.nytimes.com/2024/04/17/world/europe/uk-bill-asylum-rwanda.html>>.

¹⁴ Specia, “A Timeline.”

¹⁵ Alice Donald and Joelle Grogan, ‘What Are the Rwanda Treaty and the Safety of Rwanda (Asylum and Immigration) Bill?’ (*UK in a changing Europe* 17 April 2024) <<https://ukandeu.ac.uk/explainers/what-are-the-rwanda-treaty-and-the-safety-of-rwanda-asylum-and-immigration-bill/>>.

¹⁶ Specia, “A Timeline.”

¹⁷ Son, “Times: UK, Armenia Hold Talks on Sending Illegal Migrants to Armenia,” <https://azvision.az>, April 15, 2024, <https://az.azvision.az/mobile/news.php?id=178385&lang=en>; Nick Eardly, “MPs Reject Lords Amendments to Rwanda Bill,” ed. James Gregory and Chris Mason, *BBC*, April 15, 2024, <https://www.bbc.com/news/uk-politics-68815191>.

¹⁸ Melanie Griffiths and Colin Yeo, “The UK’s Hostile Environment: Deputising Immigration Control,” *Critical Social Policy* 41, no. 4 (January 11, 2021): 521–44, DOI: 10.1177/0261018320980653.

¹⁹ Cristina Sáenz Pérez, “The Securitization of Asylum: A Review of UK Asylum Laws Post-Brexit,” *International Journal of Refugee Law* 35, no. 3 (December 10, 2023): 304–21, DOI: 10.1093/ijrl/ead030.

²⁰ Peter Walker, “UK Considers Sending Asylum Seekers Abroad to Be Processed,” *the Guardian*, March 18, 2021, <https://www.theguardian.com/uk-news/2021/mar/18/asylum-seekers-could-be-sent-abroad-by-uk-to-be-processed>.

networks.²¹ However, legal experts and humanitarian organizations raised significant concerns regarding the policy's compliance with international refugee law.

Due to this agreement, there is no cap on the number of asylum seekers who will be deported, transported to Rwanda, or admitted to the UK. All asylum seekers must meet this criterion, except Rwandan nationals and Unaccompanied Refugee-Seeking Children (UASCs).²² The Home Office's outlines these exclusions and relocation requirements. According to this publication, everyone except UASC is eligible for relocation. Families with children will only be relocated voluntarily as a unit, ensuring no family separation. Each case will undergo individual assessment,²³ considering disability, pregnancy, sexuality, and gender reassignment. Unfortunately, these factors do not guarantee exemption.²⁴

2. The UK-Rwanda Partnership After Court Ruling

From January 2021 to March 2023, 24,083 asylum seekers received notifications from the UK Home Office under a freedom of information request, warning them that their status and presence in the UK might be reviewed.²⁵ The notices informed asylum seekers that those meeting this criterion would be sent to a secure third country for processing their applications. The partnership was continued by Prime Minister Rishi Sunak despite strong opposition within the UK and internationally. Sunak committed to its approval and implementation, making his stance clear throughout his tenure. He signed a policy into law to facilitate the transfer of asylum seekers to Rwanda,²⁶ overturned a court ruling blocking the policy, and pursued government authorization to enforce the plan.

An appeal against the UK-Rwanda Memorandum of Understanding Partnership was brought before the Supreme Court.²⁷ The Court ruled the policy illegal, citing strong evidence that asylum seekers repatriated to Rwanda could face cruel

²¹ See: UK Home Office, "Inadmissibility: Safe Third Country Cases (Accessible)," GOV.UK, August 15, 2024, <https://www.gov.uk/government/publications/inadmissibility-third-country-cases/inadmissibility-safe-third-country-cases-accessible>.

²² Peter William Walsh, "Q&A: The UK's Policy to Send Asylum Seekers to Rwanda," Migration Observatory, January 10, 2024, <https://migrationobservatory.ox.ac.uk/resources/commentaries/qa-the-uks-policy-to-send-asylum-seekers-to-rwanda/>.

²³ UK Home Office, "Migration and Economic Development Partnership with Rwanda: Equality Impact Assessment (Accessible)," GOV.UK, July 4, 2022, <https://www.gov.uk/government/publications/migration-and-economic-development-partnership-with-rwanda/migration-and-economic-development-partnership-with-rwanda-equality-impact-assessment-accessible>.

²⁴ UK Home Office, "Migration."

²⁵ Diane Taylor, "Over 24,000 UK Asylum Seekers Could Be Sent to Rwanda despite Court Ruling," *The Guardian*, June 30, 2023, <https://www.theguardian.com/uk-news/2023/jun/30/over-24000-uk-asylum-seekers-could-be-sent-to-rwanda-despite-court-ruling>.

²⁶ Kylie Maclellan and Andrew Macaskill, "UK Government's Contested Illegal Immigration Plan to Become Law," *Reuters*, July 18, 2023, sec. UK, <https://www.reuters.com/world/uk/uk-governments-contested-immigration-plan-become-law-2023-07-18/>.

²⁷ Charles Hymas, "Rishi Sunak Confident of Overturning Rwanda Migrant Plan Verdict," *The Telegraph*, June 29, 2023, <https://www.telegraph.co.uk/politics/2023/06/29/rwanda-migrant-deportation-plan-blocked-court-appeal/>.

treatment in their home countries.²⁸ In addition, the Court stated that Rwanda's designation as a safe country had not been adequately assessed.²⁹ Following this ruling, Prime Minister Sunak attempted to revive the initiative. He proposed an updated Rwanda asylum policy under emergency laws and pursued a new agreement between the UK and Rwanda.³⁰

3. The UK-Rwanda New Treaty

On 25 April 2024, the UK and Rwanda enacted the *Safety of Rwanda (Asylum and Immigration) Act 2024*.³¹ The government expanded the number of people who might be relocated to Rwanda in the latest improved Act. In addition, the act stipulates that every decision-maker must conclusively treat the Republic of Rwanda as a safe country, and a court or tribunal is not allowed to consider any claim or grievance regarding whether removal violates international obligations.³² The Act also outlines the Responsibilities of the Republic of Rwanda; no individuals taken to Rwanda based on the agreement will be removed except to the UK; relocated individuals should be treated equally regardless of the status that they have been granted in Rwanda.³³ However, even though it has become law, implementing the *Safety of Rwanda Act 2024* will depend on election outcomes.

Following the elections, Sir Keir Starmer, the new Prime Minister, promised to dismantle the government's Rwanda program.³⁴ However, the Rwandan Safety Act of 2024 is far from concluded. Prime Minister Rishi Sunak stated in his comments that they had put in place extra policies in case they lost and had to take "their planes off".³⁵ This Act remains perceivable because there is no clear indication of whether it will be implemented or scrapped in the new administration.

C. Violations of Regulations, Cooperation, and International Agreements by the UK – Rwanda Refugees Policy

According to UNHCR, every individual has the right to seek asylum, regardless of origin, identity, or destination.³⁶ These rights include safe access to borders, protection from repatriation if their survival is at risk, humane treatment, and

²⁸ Jonathan Jones, "The Supreme Court's Rwanda Verdict and Rishi Sunak's Response: What Happens Next?," Institute for Government, November 16, 2023, <https://www.instituteforgovernment.org.uk/comment/supreme-court-rwanda-rishi-sunak-response>.

²⁹ Dominic Casciani and Sean Seddon, "Supreme Court Rules Rwanda Asylum Policy Unlawful," *BBC News*, November 15, 2023, sec. UK, <https://www.bbc.com/news/uk-67423745>.

³⁰ Francesca Gillett, "Supreme Court Latest: Sunak Vows Emergency Legislation to Force through Rwanda Policy," *BBC News*, November 15, 2023, <https://www.bbc.com/news/live/uk-67418363>.

³¹ Walsh, 'Q&A: The UK's Policy to Send Asylum Seekers.'

³² Anna Bregstein, 'The Safety of Rwanda Act 2024 Explained' (*Richmond Chambers* 3 June 2024) <<https://immigrationbarrister.co.uk/the-safety-of-rwanda-act-2024-explained/>>.

³³ 'Safety of Rwanda (Asylum and Immigration) Act 2024' (2024).

³⁴ Sam Francis and Paul Seddon, 'Keir Starmer Vows to Scrap Rwanda Asylum Scheme "Straight Away"' *www.bbc.com* (9 May 2024) <<https://www.bbc.com/news/uk-politics-68984778>> accessed 30 May 2024.

³⁵ Seddon, "Straight Away".

³⁶ UNHCR, "What Is Asylum? - the Fundamentals of Seeking Safety," Unrefugees.org, 2022, <https://www.unrefugees.org/news/what-is-asylum-the-fundamentals-of-seeking-safety>.

freedom from discrimination,³⁷ based on the 1951 Refugee Convention and the 1967 Protocol.

The principle of non-refoulement is a fundamental safeguard for asylum seekers under international law.³⁸ According to the article 33(1), any kind of “refoulement” is prohibited since it puts people at risk.³⁹ This concept applies to people in the jurisdiction of a country, particularly one that has accepted the Geneva Convention, whether or not their entrance was lawful. It also applies to those whose status as refugees is recognized.⁴⁰ Although the 1951 Geneva Convention is not fully incorporated into UK domestic law, Section 2 of the 1993 Act acknowledges its influence on asylum policies.⁴¹ The UK Foreign Secretary’s decisions on asylum claims can be legally challenged if they violate Article 33(1). This reinforces the principle that returning asylum seekers to danger is unlawful.⁴² Non-refoulement is considered *jus cogens*,⁴³ a fundamental rule of international law binding on all states.⁴⁴

Article 14 of the 1948 Universal Declaration of Human Rights also affirms that everyone has the right to seek and receive asylum, ensuring protection from persecution.⁴⁵ Anyone entering the UK has the right to apply for asylum without fear of persecution, which is in alignment with international obligations. Therefore, UNHCR offers recommendations for bilateral or multilateral collaboration regarding the transfer of asylum seekers, as follows:⁴⁶

1. The state carefully considers the intentions of individuals applying for refuge.
2. States have jurisdiction because of pertinent legal obligations related to human rights and international and regional legislation, including circumstances in which a country exercises authority outside its borders.
3. As parties to relevant refugee and human rights documents or members of the 1951 Refugees Convention and the 1967 Protocol, countries engaged in bilateral or multilateral policy on asylum transfers must comply with these instruments.

³⁷ UNHCR, “What Is Asylum?”

³⁸ Timothy E. Lynch, “Refugees, Refoulement, and Freedom of Movement: Asylum Seekers’ Right to Admission and Territorial Asylum,” *Georgetown Immigration Law Review* 36, no. 1 (December 1, 2021).

³⁹ Dhiana Puspitawati, and Fransiska Ayulistya Susanto. “Protection of People at Sea under International Law: Lesson Learnt from Pushback Action to Boat People in Indonesia and Malaysia”. *Brawijaya Law Journal* 10, No. 2 (2023): 147, DOI: 10.21776/ub.blj.2023.010.02.02.

⁴⁰ Puspitawati and Susanto, “Protection of People at Sea,” 143-165.

⁴¹ Constantin Hruschka, “From the Dublin Convention to the Dublin Regulation: The Impact on EU Third Country Cases in the UK Jurisdiction,” *Jahrbuch Für Recht Und Ethik / Annual Review of Law and Ethics* 13 (2005): 473–494, <https://www.jstor.org/stable/43593715>.

⁴² Hruschka, “From the Dublin Convention”, 473-494.

⁴³ J. Allain, “The Jus Cogens Nature of Non-Refoulement,” *International Journal of Refugee Law* 13, no. 4 (October 1, 2001): 533–58, DOI: 10.1093/ijrl/13.4.533.

⁴⁴ Daniel Moeckli, Sangeeta Shah, and Sandesh Sivakumaran, *International Human Rights Law*. (Oxford: Oxford University Press, 2022): 148-165, DOI: 10.1093/he/9780198860112.001.0001.

⁴⁵ Moeckli, Shah, and Sivakumaran, *International Human Rights Law*. 148-165.

⁴⁶ UNHCR, “Guidance Note on Bilateral And/or Multilateral Transfer Arrangements of Asylum-Seekers | Refworld,” Refworld, 2023, <https://www.refworld.org/policy/legalguidance/unhcr/2013/en/16943>.

4. Collaboration is not meant for load shifting but rather for responsibility and burden sharing. Ideally, this framework will expand protection space in the transmitting country, receiving country, and/or region.
5. Legal instruments govern international cooperation in the transfer of asylum seekers, and those affected by these laws have the right to challenge and enforce these norms through judicial processes.
6. Cooperation during relocation is required to guarantee the following matters:
 - a. Before the transfer takes place, every asylum seeker is evaluated separately for the acceptability of the transfer in compliance with procedural safeguards. Pre-transfer assessments are particularly crucial for "vulnerable" populations, such as unaccompanied minors who have been split up from their families. First and foremost, the child's best interests must come first.⁴⁷
 - b. Every asylum seeker must be accepted by the intended receiving country, will not be exposed to refoulement, shall have access to impartial and effective processes for assessing their eligibility for international protection, including refugee status and shall be handled according to recognized international norms, which include proper welcoming arrangements, access to healthcare, and other services, defenses against unjustified detention, and identification and assistance for those with special needs.
 - c. If it is acknowledged that international protection is necessary, every asylum seeker may be able to enjoy something and/or obtain long-lasting solutions.
7. Assignment is improper if these guarantees cannot be agreed upon or enforced.
8. The transferring country ensures that the recipient country complies with the standards. Ongoing observation and evaluation will be necessary to ensure these transfers stay compliant with international norms.

1. Violations in Memorandum of Understanding Era

A legally binding document must govern the transfer, allowing affected asylum seekers to challenge and enforce it in court. This aligns with point five of UNHCR's guidelines, which require clear policies defining the rights and duties of both the transferring and receiving states. However, UNHCR notes that the UK-Rwanda cooperation is based on an MoU, which explicitly states that it is not enforceable under international law and does not grant individual rights. This omission suggests that the policy fails to guarantee asylum seekers' rights, making potential breaches during implementation non-actionable.

The sixth point clarifies that transfer cooperation must uphold asylum seekers' rights before, during, and after relocation. The UK-Rwanda MoU has no clear provisions on how both countries will meet these obligations and does not grant

⁴⁷ See, e.g. Elaine E. Sutherland, "Article 3 of the United Nations Convention on the Rights of the Child: The Challenges of Vagueness and Priorities," in *Implementing Article 3 of the United Nations Convention on the Rights of the Child: Best Interests, Welfare and Well-Being*, ed. Elaine E. Sutherland and Lesley-Anne Barnes Macfarlane (Cambridge: Cambridge University Press, 2016), 21–50.

asylum seekers the right to challenge their treatment in court. Without guarantees for each asylum seeker, the transfer is legally questionable.

International legal instruments regulate asylum seeker transfers, ensuring impacted individuals can contest and enforce their rights. Collaboration must define the obligations of all parties explicitly, including additional duties under regional and international human rights laws. UNHCR underscores that sending countries must adhere to these obligations.

In June 2023, the UK Court of Appeal ruled that sending asylum seekers to Rwanda for processing was unlawful, striking a major blow to government policy.⁴⁸ The court found that the UK-Rwanda arrangement violated Article 3 of the European Convention on Human Rights,⁴⁹ which prohibits torture and inhumane treatment. It also highlighted deficiencies in Rwanda's asylum system, which could lead to deportations that put asylum seekers at risk of persecution.⁵⁰ However, despite the UK Court of Appeal's ruling, the British Prime Minister Rishi Sunak declaring a rejection and said that, "While I respect the court, I fundamentally disagree with their conclusions."⁵¹ Despite the judgment, his government remains committed to implementing the policy through legislation.

2. Safety of Rwanda (Asylum and Immigration) Act

The UK-Rwanda migration agreement has been made a legally binding agreement by the Safety of Rwanda (Asylum and Immigration) Act 2024. Article 3 of the Act stipulates that no individual transferred to Rwanda under this arrangement shall be removed from Rwanda except to the UK. Moreover, it mandates equal treatment for transferred individuals, irrespective of their legal status in Rwanda.⁵² However, the Act does not address what would happen to people who would be sent back to the UK or whose asylum applications are denied by Rwanda, which leaves significant gaps in the policy's actual application.

The Act's explicit limitation on legal challenges is among its most controversial features.⁵³ It categorically forbids tribunals and courts from considering arguments that cast doubt on the legitimacy or fairness of Rwanda's asylum decision-making procedure.⁵⁴ To execute this treaty, particularly the above aspects, implementation methods must be systematically defined and applied without prejudice. However, this does not seem to be the case. Under this new policy, an additional process will be required to hire 'legal assistants' and 'judges from a variety of nationalities.' The British Home Office states that the procedure for selecting the co-president remains

⁴⁸ Taylor, "Over 24,000 UK Asylum Seekers."

⁴⁹ BBC, "Asylum Seekers Being Sent to Rwanda."

⁵⁰ BBC, "Asylum Seekers Being Sent to Rwanda."

⁵¹ Jill Lawless, "UK Government Vows to Challenge Court Ruling That Its Plan to Send Migrants to Rwanda Is Unlawful," AP News, June 29, 2023, <https://apnews.com/article/migration-uk-rwanda-deportation-court-challenge-f90ea56aca48df25592d537778f028cc..>

⁵² UK, "Safety of Rwanda (Asylum and Immigration) Bill" (2024).

⁵³ Rwanda Treaty, Article 9

⁵⁴ Rwanda Treaty, Article 9

under debate, and no decision has been made regarding the incorporation of foreign judges into the Appeal Body or the requirement for an international judge.⁵⁵

The Act explicitly states that courts must not consider claims regarding the fairness of reviews or Rwanda's compliance with its international commitments, particularly under the Refugee Convention. Chapter 4 affirms UK parliamentary sovereignty, asserting that an Act's legality remains unaffected by international law. Article 6 of the Act defines "international law," which includes the Human Rights Convention, the Refugee Convention, and any decisions or actions taken by the European Court of Human Rights. However, this sovereignty does not release the UK from its international commitments regarding human rights, refugees, and asylum seekers.

The Act prevents people from having effective legal remedies in UK courts with regard to refoulement, including contesting Rwanda's designation as a safe country. Since the Act designates Rwanda as safe, individuals cannot appeal this classification. Despite this designation, the UN refugee agency claims to have evidence that Rwanda threatened asylum seekers as recently as 2024, including allegations of deportations to countries where they may face torture. Among the alleged accusations are the possibility of sending people to countries where they may be subjected to torture.⁵⁶

As mentioned, a state's legal responsibilities under international human rights and refugee law are not absolved when it transfers asylum seekers to another country for processing. Even alliance with Rwanda, the UK is still in charge of maintaining the non-refoulement principle. This obligation covers both indirect refoulement, in which the person may be in danger in a third nation, and direct refoulement, in which the person is mistreated in the receiving country.⁵⁷

The issue of potentially violating international responsibilities persists, regardless of whether the act is framed. Policies must stop the expulsion of asylum seekers regardless of bilateral or international agreements.⁵⁸ Every asylum seeker has the right to fair and effective procedures to determine their status and protection from refoulement. However, the international community remains concerned that neither Rwanda nor the UK provides a fair and effective status-determination process. According to UNHCR, Rwanda's refugee status determination process is still developing, and it lacks essential systems for processing and accommodating asylum seekers.

The agreement breaks numerous international human rights and refugee regulations. States are required by Article 34 of the 1951 Refugee Convention to support refugees' integration, which includes providing them with appropriate

⁵⁵ UK Home Secretary, "Letter from the Home Secretary to the Chair of the International Agreements Committee," January 11, 2024, <https://committees.parliament.uk/publications/42871/documents/213213/default/>.

⁵⁶ Dominic Casciani, "Rwanda Scheme: UN Agency Warns of New Abuses Evidence," *BBC News*, June 10, 2024, <https://www.bbc.com/news/articles/cq55yqn0322o>.

⁵⁷ UNHCR, "Guidance Note."

⁵⁸ Executive Committee of the High Commissioner's Programme (ExCom), "ExCom Conclusion No. 8 (XXVIII) (Determination of Refugee Status),"

reception, access to services, and protection from arbitrary detention.⁵⁹ The UK claims faith in Rwanda's capabilities, but given Rwanda's history of handling refugees, adherence to these international standards is questionable. A notable example is the 2018 killing of Congolese refugees by Rwandan security forces during a protest over reduced food supplies.⁶⁰ At least 12 people were killed, and the case remains unresolved.⁶¹ Despite this, the UK continues to classify Rwanda as a safe country.⁶²

According to UNHCR, the transfer agreement between the UK and Rwanda does not improve burden-sharing or fortify international collaboration.⁶³ Each asylum seeker must include many assurances in the agreements for carrying out bilateral transfers; if these promises are not met, the transfer's execution is deemed unlawful or improper.⁶⁴ Individual assessments are required to ensure feasibility and legality, yet asylum seekers rejected in Rwanda face deportation, raising refoulement concerns.⁶⁵

UNHCR also expressed concern that this agreement contradicts Article 31(1) of the 1951 Refugee Convention, which prohibits penalizing asylum seekers for illegal entry when arriving directly from persecution.⁶⁶ Those who are denied access to proper asylum processes in the UK run the risk of being deported and having their rights violated. The agreement fails to comply with these obligations, particularly for those who arrive in the UK, immediately present themselves to authorities, and justify their presence. The UK's approach of denying asylum seekers access contradicts Article 31(1), given that many asylum seekers rely on irregular entry due to restrictive access policies.⁶⁷

Therefore, the bilateral transfer modality between the UK and Rwanda does not comply with Article 31 (1) of the Geneva Convention 1951, especially for individuals who enter the UK directly, surrender themselves to UK authorities immediately, and are able to produce documentation proving their purpose for being there.⁶⁸ Article 31 (1) states that it is not acceptable to effectively deny asylum seekers access to fair and efficient determination and treatment by international standards, which could put them at risk of repatriation and other rights violations. However, it does not

⁵⁹ UNHCR, "UNHCR Analysis."

⁶⁰ Human Rights Watch, "Rwanda: A Year On, No Justice for Refugee Killings," Human Rights Watch, February 23, 2019, <https://www.hrw.org/news/2019/02/23/rwanda-year-no-justice-refugee-killings>.

⁶¹ Human Rights Watch, "Rwanda."

⁶² Becky Morton, "Suella Braverman Says Rwanda Is Safe for Migrants despite Evidence of 2018 Killings," *BBC*, April 2, 2023, <https://www.bbc.com/news/uk-politics-65153807>.

⁶³ UNHCR, "UNHCR Analysis of the Legality and Appropriateness of the Transfer of Asylum Seekers under the UK-Rwanda Arrangement," UNHCR UK, June 8, 2022, <https://www.unhcr.org/uk/media/unhcr-analysis-legality-and-appropriateness-transfer-asylum-seekers-under-uk-rwanda>.

⁶⁴ UNHCR, "UNHCR Analysis."

⁶⁵ UNHCR, "UNHCR Analysis."

⁶⁶ Article 31(1) of the 1951 Convention, see more: Vincent Chetail, "Moving towards an Integrated Approach of Refugee Law and Human Rights Law.," in *The Oxford Handbook of International Refugee Law*, ed. M Foster and J McAdam (Oxford: Oxford University Press, 2021), 216–17.

⁶⁷ UNHCR, "UNHCR Analysis."

⁶⁸ UNHCR, "UNHCR Analysis."

shield those who are classified as not meeting the requirements of "candor," "immediacy," and "good cause" from punishment because of their illegal presence or "irregular entry".⁶⁹ The prospect of the UK denying asylum without delay is also a significant issue that is at odds with the above article.

Furthermore, "everyone has the right to seek and enjoy asylum in another country," according to Article 14 of the 1948 Universal Declaration of Human Rights.⁷⁰ This allows individuals to enter without authorization when necessary to claim asylum.⁷¹ However, many asylum seekers remain in limbo while their status is unresolved, with some countries closing their borders entirely.

The UK, a party to both the 1951 Refugee Convention and the European Convention on Human Rights (ECHR), remains bound by its obligations under these treaties, even after leaving the EU. The ECHR outlines individual rights and duties for its 46 member states.⁷² Although the UK has contemplated leaving the ECHR, the Human Rights Act (HRA) 1998 integrates ECHR rules into domestic law. Until such a withdrawal occurs, the UK remains legally bound by its commitments.

Article 3 of the ECHR, implies that member states are required to defend asylum seekers against deportation or extradition (being transferred to another country to face criminal proceedings) if there is a risk of mental and physical torture, cruel or humiliating treatment or punishment, or both.⁷³ Furthermore, member states are required to defend asylum seekers against deportation or extradition (being transferred to another country to face criminal proceedings) if there is a risk of mental and physical torture, cruel or humiliating treatment or punishment, or both. There is no guarantee of protection and security for the Asylum seekers in Rwanda.

The UK-Rwanda treaty conflicts with UK legislation at home. The UK is legally obligated to uphold its international obligations, yet the Rwanda Safety Act violates human rights protections. Section 2 of the Asylum and Immigration Appeals Act 1993 states that no immigration rule may contradict the Refugee Convention".⁷⁴ Transfer policies must comply with the UK's obligations under the 1951 Convention and domestic law. Section 6(1) of the Human Rights Act 1998 states that "it is unlawful for public authorities to act in a way that infringes on Convention rights".⁷⁵ Legal debates continue over whether the UK's Rwanda policy violates the Refugee

⁶⁹ UNHCR, "UNHCR Analysis."

⁷⁰ Amnesty International UK, "The Right to Asylum," Amnesty International, January 20, 2023, <https://www.amnesty.org.uk/right-asylum>.

⁷¹ Amnesty International UK, "The Right to Asylum"

⁷² Gavin Robinson, "Notes on the ECHR and the DisUK 'After' Brexit – in Memoriam Scott Crosby," *New Journal of European Criminal Law* 12, no. 1 (December 7, 2020): 4–13, DOI: 10.1177/2032284420976938.

⁷³ EU Charter of Fundamental Rights, "European Convention on Human Rights - Article 3," European Union Agency for Fundamental Rights, October 25, 2018, <https://fra.europa.eu/en/law-reference/european-convention-human-rights-article-3-0>.

⁷⁴ Amnesty International UK, "Amnesty UK Letter to Permanent Secretary on UK-Rwanda Memorandum," Amnesty International, 2022, <https://www.amnesty.org.uk/resources/amnesty-uk-letter-permanent-secretary-uk-rwanda-memorandum-1>.

⁷⁵ Amnesty International UK, "Amnesty UK Letter."

Convention and Human Rights Convention. If violations are established, the European Court of Human Rights may intervene.⁷⁶

After the general election, Sir Keir Starmer, the next prime minister of the UK, declared that he would abandon the Rwandan deportation strategy in favor of security collaboration with Europe and combating criminal gangs. However, the UK's immigration policy remains contentious. Leaked documents suggest ongoing discussions with Armenia, Botswana, Ivory Coast, and Costa Rica regarding deportations of migrants.⁷⁷ Regardless of implementation, the 2024 Act set a significant precedent. Human rights experts warn that it may weaken international protections, undermine the ECHR, and encourage similar actions by other countries with poor human rights records.⁷⁸ The UK's stance could legitimize the erosion of asylum protections globally, allowing states to ignore international obligations. The UK risks inciting other nations to adopt laws that limit refugee claims and ignore ECHR principles.

D. Rwanda as a Safe Third Country

The UK has a long history of forced relocation, from colonial expansion in the 16th and 17th centuries to the redistribution of refugees in the 20th century.⁷⁹ The concept of a "safe third country" and the "country of first asylum" for refugees who seek safety elsewhere comes from EXCOM Conclusion 58 (XL).⁸⁰ Three factors define this concept: it is irregular, intended to seek refuge or permanent settlement in another country, and originates from the country of protection rather than the home country.⁸¹ While the EXCOM Conclusion allows a return to a country where protection was granted, it does not specify what constitutes protection. The UK-Rwanda agreement does not align with this principle, as Rwanda has not granted prior protection but instead re-evaluates asylum seekers, raising concerns about deportation risks.

⁷⁶ Amnesty International UK, "Amnesty UK Letter."

⁷⁷ Son, "Times: UK, Armenia Hold Talks on Sending Illegal Migrants to Armenia," <https://azvision.az>, April 15, 2024, <https://azvision.az/mobile/news.php?id=178385&lang=en>; Nick Eardly, "MPs Reject Lords Amendments to Rwanda Bill," ed. James Gregory and Chris Mason, *BBC*, April 15, 2024, <https://www.bbc.com/news/uk-politics-68815191>.

⁷⁸ Alice Donald and Joelle Grogan, "What Are the Rwanda Treaty and the Safety of Rwanda (Asylum and Immigration) Bill? - UK in a Changing Europe," *UK in a changing Europe*, April 18, 2024, <https://ukandeu.ac.uk/explainers/what-are-the-rwanda-treaty-and-the-safety-of-rwanda-asylum-and-immigration-bil>.

⁷⁹ Samantha Seeley, *Race, Removal, and the Right to Remain*, University of North Carolina Press Ebooks (University of North Carolina Press, 2021): 24-54, DOI: 10.54149/northcarolina/9781469664811.001.0001.

⁸⁰ EXCOM is the Executive Committee of the High Commissioner's Programme, established the United Nation's Economic and Social Council (ECOSOC) Resolution 672 (XXV) (30 April 1958).

⁸¹ María-Teresa Gil-Bazo, "The Safe Third Country Concept in International Agreements on Refugee Protection Assessing State Practice," *Netherlands Quarterly of Human Rights* 33, no. 1 (March 2015): 42-77, DOI: 10.1177/016934411503300104.

The Safe Third Country Concept⁸² permits an asylum seeker to be returned to a country they passed through if it is considered safe and they are able to seek asylum there.⁸³ However, the host country must ensure safety before transfer.⁸⁴ Failure to conduct proper assessments violates non-refoulement principle (article 3(1)) in Convention Against Torture that prohibits returning people to a place where they may face torture or persecution, including by non-state actors when the state cannot offer.⁸⁵ However, if a breach occurs, the principle of non-refoulement will be violated.⁸⁶

The 1951 Refugee Convention prohibits returning asylum seekers to countries where their life or freedom is threatened due to race, religion, nationality, social group, or political opinion.⁸⁷ The Safe Third Country Agreement requires that states do not transfer asylum seekers if they face torture or other threats. Determining whether a third nation is indeed secure is still a major difficulty, and inconsistent execution raises the possibility of refoulement in the absence of procedural safeguards.⁸⁸

The UNHCR provides guidelines to ensure non-refoulement in third-country transfers but lacks enforcement power. States must also ensure that the asylum processes in the receiving country are fair and effective.⁸⁹ To provide effective remedies against the first negative judgments, UNHCR recommended that processes for asylum include an independent body that evaluates appeals and provides sufficient staff and resources to this independent authority.⁹⁰ According to the UNHCR, considering personal relationships and familial ties can increase the likelihood of a successful transfer, reduce irregular movement, avoid "orbit" situations, and foster global collaboration and accountability.⁹¹ It also recommends

⁸² The Asylum Information Database (AIDA), "'Safe Countries of Origin': A Safe Concept?" (the European Council on Refugees and Exiles (ECRE), September 2015).

⁸³ AIDA, "'Safe Countries of Origin'." See more: V. Moreno-Lax, "The Legality of the 'Safe Third Country' Notion Cptested: Insights from the Law of Treaties," in *Migration & Refugee Protection in the 21st Century: International Legal Aspects*, ed. G.S. Goodwin-Gill & P. Weckel (Martinus Nijhoff Publishers, 2015), 665-721.

⁸⁴ M. Hunt, "The Safe Country of Origin Concept in European Asylum Law: Past, Present and Future," *International Journal of Refugee Law* 26, no. 4 (December 1, 2014): 500-535, DOI: 10.1093/ijrl/eeu052.

⁸⁵ The Asylum Information Database (AIDA), "'Safe Countries of Origin': A Safe Concept?" (the European Council on Refugees and Exiles (ECRE), September 2015).8

⁸⁶ U.N. Committee Against Torture, General Comment No. 4 (2017) on the Implementation of Article 3 of the Convention in the Context of Article 22, Par. 30, U.N. Doc. CAT/C/GC/4 (Feb. 9, 2018)

⁸⁷ Refugee Convention, supra note 4, art. 33(1); see also Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267 [hereinafter Refugee Protocol].

⁸⁸ See, e.g., Deportation with a Layover, supra note 16; See : Georgetown Law Human Rights Institute, "Dead Ends: No Path to Protection for Asylum Seekers," page: 28-75.

⁸⁹ UNHCR, "Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers," Refworld, 2023, <https://www.refworld.org/docid/5d8a255d4.html>.

⁹⁰ See : Jacqueline Lewis, "Buying Your Way out of the Convention: Examining Three Decades of Safe Third Country Agreements in Practice," *Georgetown Immigration Law Journal* 35 (2021), <https://www.law.georgetown.edu/immigration-law-journal/in-print/volume-35-number-3-spring-2021/buying-your-way-out-of-the-convention-examining-three-decades-of-safe-third-country-agreements-in-practice/>.

⁹¹ Legal Considerations Regarding Access to Protection, supra note 28, Par. 6. See: Jacqueline Lewis, "Buying Your Way out of the Convention: Examining Three Decades of Safe Third Country Agreements in Practice," *Georgetown Immigration Law Journal* 35 (2021), <https://www.law.georgetown.edu/immigration-law-journal/in-print/volume-35-number-3-spring-2021/buying-your-way-out-of-the-convention-examining-three-decades-of-safe-third-country-agreements-in-practice/>.

that countries provide job openings, ensure fair treatment during recruitment, and grant access to healthcare, education, and essential services, while protecting against arbitrary detention and offering long-term solutions.⁹²

Article 3 of the European Convention on Human Rights (ECHR), which forbids torture and cruel or degrading treatment or punishment, must be upheld by a safe third country in accordance with UK law. The UK cannot transfer asylum seekers where they face a genuine risk of mistreatment.⁹³ Transfers from the UK are prohibited if there is a genuine risk of inhumane treatment in the receiving country.⁹⁴ The UK government has stated that it will not take any action throughout the resettlement process that violates these fundamental human rights.⁹⁵

A ruling issued on December 19, 2022 (EWHC 3230 2022) examined eight objections to the agreement.⁹⁶ Eleven individuals were selected for relocation to Rwanda, while four organizations opposed the policy on their behalf. The High Court upheld the Nationality and Borders Act 2022⁹⁷, which allows forced transfers but acknowledged the validity of objections, permitting further legal review.⁹⁸

The Court of Appeal (EWCA Civ 745 2023) examined fresh UNHCR data on June 29, 2023, and concluded that Rwanda was unsafe because of its asylum system's shortcomings.⁹⁹ The court ruled that transfers posed significant risks, rejecting the idea of sending individuals to a country that had not yet reviewed their asylum applications.¹⁰⁰ Several human rights violations have occurred in Rwanda, even in the past year. According to Eye on Africa and French 24, Human Rights Watch warned that Rwandan officials are torturing inmates in detention facilities, committing grave human rights violations and condemning the lack of accountability enjoyed by those involved.¹⁰¹ Under President Paul Kagame's 30-year rule, Rwanda faces frequent NGO allegations of suppressing political opposition, restricting criticism, and limiting free expression.¹⁰²

journal/in-print/volume-35-number-3-spring-2021/buying-your-way-out-of-the-convention-examining-three-decades-of-safe-third-country-agreements-in-practice/.

⁹² U.N. Guidance Note, *supra* note 7, Par. 3 (vi). See: Lewis, "Buying Your Way out of the Convention," 35.

⁹³ UK Home Office, "Nationality and Borders Bill: Removal to a Safe Third Country Factsheet," GOV.UK, October 13, 2023, <https://www.gov.uk/government/publications/nationality-and-borders-bill-removal-to-a-safe-third-country-factsheet/nationality-and-borders-bill-removal-to-a-safe-third-country-factsheet>.

⁹⁴ UK Home Office, "Nationality and Borders Bill"

⁹⁵ UK Home Office, "Nationality and Borders Bill"

⁹⁶ EWHC3230. 2022. AAA et al. vs. Secretary of State for the Home Department. December 19th 2022 Case Nos: CO/2032/2022, CO/2104/2022, CO/2077/2022, CO/2080/2022, CO/2098/2022, CO/2072/2022, CO/2094/222, and CO/2056/2022. Available online: <https://www.judiciary.uk/judgments/aaa-and-others-v-secretary-of-state-for-the-home-department/> (accessed on 12 April 2023).

⁹⁷ AAA et al. vs. Secretary of State for the Home Department, EWHC 3230 (2022).

⁹⁸ AAA et al. vs. Secretary of State for the Home Department, EWHC 3230 (2022).

⁹⁹ Michael Collyer and Uttara Shahani, "Offshoring Refugees: Colonial Echoes of the UK-Rwanda Migration and Economic Development Partnership," *Social Sciences* 12, no. 8 (August 11, 2023): 451–51, <https://doi.org/10.3390/socsci12080451>.

¹⁰⁰ AAA et al. vs. Secretary of State for the Home Department, EWCA Civ 745 (2023).

¹⁰¹ Aline Bottin, Aurielie Kouman, and Georja Calvin-Smith, "Eye on Africa - Human Rights Watch Reports Torture in Rwanda Detention Facilities," *France 24* (FRANCE 24, October 15, 2024), <https://www.france24.com/en/tv-shows/eye-on-africa/20241015-rwanda-human-rights-watch-reports-torture-in-rwanda-detention-facilities>.

¹⁰² Bottin, Kouman, and Calvin-Smith, "Human Rights Watch Reports Torture."

Recently, Rwanda denied entry to Clementine de Montjoye, a Human Rights Watch senior researcher, raising concerns that officials were blocking independent oversight ahead of the UK's planned asylum transfers.¹⁰³ This raised concerns that officials were trying to avoid independent oversight ahead of the UK's planned transfer of asylum seekers.¹⁰⁴ On May 13, Rwandan immigration authorities prevented her entry at Kigali International Airport, reinforcing doubts about transparency and accountability in Rwanda's asylum policies.¹⁰⁵

Although both Rwanda and the UK claim that Rwanda is a secure third country, international organizations claim that Rwanda is not a safe place, even for its residents. In its report submitted to the Universal Periodic Review, the UNHCR highlighted several concerns about Rwanda's asylum system and its limited capacity to implement effective protections. These concerns were also shared with Rwandan and UK authorities:¹⁰⁶

1. The Directorate General of Immigration and Emigration of Rwanda refused access to asylum proceedings to certain asylum seekers, and they did not forward their requests for international protection to the Refugee Status Determination Committee. Due to this, undocumented asylum seekers run the possibility of being detained and deported, which leads to a spike in deportations.
2. It was determined that discriminatory access to asylum proceedings, such as the denial of asylum procedures to some LGBTIQ+ individuals.
3. The UNHCR is worried about the RSD committee's decision-making impartiality because of the large percentage of asylum applicants from non-African and neighboring countries who are sent away.
4. Solicitors to represent asylum applicants in case panel discussions are absent.
5. The absence of reasons for denial makes exercising the right to appeal difficult or impossible.
6. The Rwandan Ministry of Emergency Management, a member of the RSD Committee that made the initial decision, received an appeal against the first denial. Asylum applications have never been heard by the High Court before.
7. Regarding the asylum proceedings, as some cases took up to a year or two to make judgments.
8. Throughout the procedure, asylum applicants did not have enough access to interpreters.
9. It is necessary to evaluate the effectiveness and fairness of the asylum process before implementing several initiatives to build capacity, such as continuous

¹⁰³ Diane Taylor, "Rwanda Denies Entry to Senior Human Rights Researcher," *the Guardian* (The Guardian, May 19, 2024), <https://www.theguardian.com/world/article/2024/may/19/rwanda-denies-entry-to-senior-human-rights-researcher>.

¹⁰⁴ Taylor, "Rwanda Denies Entry"

¹⁰⁵ Taylor, "Rwanda Denies Entry"

¹⁰⁶ Electronic Imigran Network, "UNHCR: UK's Migration Partnership with Rwanda Is Unlawful and Incompatible with the Refugee Convention," *www.ein.org.uk*, 2022, <https://www.ein.org.uk/news/unhcr-uks-migration-partnership-rwanda-unlawful-and-incompatible-refugee-convention#analysis>.

training and capacity building for all parties involved in Rwanda's national asylum system.

10. UNHCR has been unable to monitor the RSD Committee or get information about asylum for the past few years.

The UNHCR report states that Rwanda does not meet the definition of a "safe third country" and is unprepared to receive and process asylum seekers. Rwanda is regarded as dangerous for its citizens, meaning that "security" for asylum seekers is also considered. In addition, the government's human rights record and ability to protect its citizens and asylum seekers are the factors in assessing Rwanda's overall security.

Under this revised Act, individuals can no longer object to their relocation by claiming that Rwanda is generally unsafe, that they may face refoulement, or that Rwanda will not honor its obligations.¹⁰⁷ People now must give specific justifications in court, including being a well-known opponent of the Rwandan government, to prove that Rwanda is unsafe for them.¹⁰⁸ The questions and theories concerning whether Rwanda's lack of safety is due to humanitarian rights or international law are still relevant.

E. Conclusion

The study found evidence of breaches by the UK throughout the implementation of the UK-Rwanda transfer agreement. The cooperation between Rwanda and the UK is perceived as a means by which the UK may absolve itself of accountability and transfer its duties to Rwanda. This policy cooperation is incompatible with international law and Human Rights.

Article 33 (1) of the 1951 Geneva Convention states that countries should not deport or return refugees in any manner to a territory where their life or freedom will be at risk. In contrast, the UK policy permits the immediate denial of asylum and sending the applicants to Rwanda, which is responsible for processing applications to determine asylum status. The individual becomes more susceptible to maltreatment due to the movement and lack of consistency. The new treaty remains deficient in establishing a straightforward system and regulations not susceptible to abuse. Also, according to Article 3 of the European Convention on Human Rights, no one shall be subjected to torture, inhuman or degrading behaviors, or punishment. However, this provision has been violated by the UK.

Additional concerns arise from conditions within Rwanda. Due to membership in certain minority groups, there is potential for harsh and degrading treatment of asylum seekers who obtain status in Rwanda and remain there. Moreover, Rwanda—the designated transfer destination for asylum seekers—fails to meet accommodation requirements and cannot guarantee their safety from deportation, persecution, or other human rights violations perpetrated both by residents and by

¹⁰⁷ Walsh, "Q&A: The UK's Policy to Send Asylum Seekers to Rwanda."

¹⁰⁸ Walsh, "Q&A: The UK's Policy to Send Asylum Seekers to Rwanda."

its government. Given the numerous documented infractions there, declaring Rwanda a safe country does not automatically ensure safety. Under this new pact, asylum seekers cannot even cite concerns about Rwanda's safety as grounds for protection despite these violations occurring. This undoubtedly places already vulnerable populations at greater risk.

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