

Cruel Arrangements: The UK-Rwanda Refugee Deal Falters

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Since 2022, Rwanda has been very much on the mind of British policy makers, a dark option of retreat from the irritating intrusions of international refugee law. The English Channel has become something of a polemical resource, with those seeking to cross it demonised as undermining Britannia's sacred sovereignty.

Giddy with the dusty advice of Australian advisors – the crude offerings of wisdom from former foreign minister Alexander Downer, and former Prime Minister Tony Abbott stand out – respective Tory governments have been pondering how to stem the arrival of irregular migrants and asylum seekers.

The use of third states as a means of deferring obligations of protection towards refugees has become an attractive, brutal way of snuffing out the right to asylum. The UN Refugee Convention of 1951 is treated as a dead letter, and options such as the “Australian model” in repelling unwanted arrivals thrill populist politicians.

The common choice of destination in all these agreements is Africa, with Rwanda proving most attractive. In equal measures the choice of such a country is both daft and cruel. But this has not stopped Denmark and the United Kingdom from signing memoranda of understanding and agreements making Kigali the favoured destination of unwanted asylum seekers.

On April 14, 2022 the Johnson government announced that it had reached an [Asylum Partnership Arrangement](#) with Rwanda “to contribute to the prevention and combating of illegally facilitated and unlawful cross border migration by establishing a bilateral asylum partnership”. According to the agreement, Rwanda would receive asylum seekers whose claims would be otherwise processed in the UK and consider applications through its own domestic asylum system. They would also assume settling and protective responsibilities. The then Prime Minister, Boris Johnson, crowed that the arrangements were “uncapped”, with Rwanda having “the capacity to resettle tens of thousands of people in the years

ahead.”

That Rwanda should even feature at all was baffling for human rights advocates. Home Secretary Suella Braverman is barely believable [in her claim](#) that “Rwanda has a track record of successfully resettling and integrating people who are refugees or asylum seekers”.

While the UK government continues to praise the country as a model of development and guardian of human rights, Kigali’s record is abysmal. Organisations such as Human Rights Watch have [noted](#) the country’s appetite for prosecuting dissidents, using torture, arbitrary detention, and resorting to more than the occasional extrajudicial assassination.

Rwandan police have not been shy in using live ammunition on protesters, especially when they have been refugees. In February 2018, twelve refugees from the Democratic Republic of Congo [were](#) gunned down in a protest over diminished food rations at the Kiziba camp. A [rash of arrests](#) were hurriedly made, with charges ranging from the implausible accusation of rebellion to the “spreading of false information with intent to create a hostile international opinion against the Rwandan state.”

As to how well the Rwandan state processes claims for asylum, the record is hardly glorious there, either. Instances of “airport refoulement” – where individuals arriving in the country claiming asylum are denied entry and promptly returned back to countries they have flown from, abound. (The testy response from Rwanda border authorities [suggested](#) that these were not cases of refoulement given that these arrivals tended to use forged documents, thereby failing to meet immigration entry requirements.)

Victoire Ingabire Umuhoza, a political figure Rwanda’s authorities have often found threatening, [offers](#) another, oft neglected angle on her country’s policies. The Rwandan government, she challenges, “creates thousands of refugees every year and its government is yet to guarantee a safe environment for Rwandan refugees settled across the world to return home.” The very fact that 12,838 Rwandans fled their own country to seek asylum should scuttle any claims about refugee safety. The joke is on any power willing to send the vulnerable to the country.

Despite such facts respective UK Home Secretaries have been pushing the plan as viable and, most astonishingly of all, legal. Potential victims of the policy have begged to differ. Last year, a legal appeal by ten asylum seekers from Syria, Iraq, Iran, Vietnam, Sudan and Albania, along with the charity Asylum Aid, was launched. The central claims by the parties were that there were real risks that their claims to asylum would not be properly and fairly determined by the authorities in Kigali, and that there was a serious risk that they would either be sent back to their own country (refoulement) or be “subjected to torture or to inhuman or degrading treatment or punishment” in breach of Article 3 of the European Convention on Human Rights.

The UK government, at least initially, had reason to be cocky. It [scored a legal victory](#) in the High Court in December 2022, which had taken the undertakings made by Kigali in the Memorandum of Understanding and *Notes Verbales* (NV) at face value. The Home Secretary had also conducted, it was astonishingly found, a “thorough examination” of “all relevant generally available information” relevant to human rights.

On June 29, a majority of the Court of Appeal [reversed the decision](#). As Sir Geoffrey Vos,

Master of the Rolls opined, “there were substantial grounds for thinking that asylum seekers sent to Rwanda under the MEDP [Migration and Economic Development Partnership]” at the date the decisions were made by the secretary in July 2022 “faced real risks of article 3 mistreatment.” Such a conclusion was inevitable after consulting “the historical record described by the UNHCR, the significant concerns of the UNHCR itself, and the factual realities of the current asylum process itself.”

The Rwandan human rights record, which was danced around in the lower court, comes in for some severe pasting. Lord Justice Underhill noted the lower court’s own acknowledgment that the Rwandan government was “intolerant of dissent; that there are restrictions on the right of peaceful assembly, freedom of the press and freedom of speech; and that political opponents have been detained in unofficial detention centres and have been subjected to torture and Article 3 ill-treatment short of torture.”

As has been starkly demonstrated by Australia’s own offshoring record, outsourcing a state’s obligations to process asylum claims is both costly to the taxpayer and bound to put asylum seekers and refugees in harm’s way. Doing so contravenes the spirit, and the letter, of international refugee law, whatever specious claims are advanced to the contrary. It is a source of some comfort that certain judicial officers in the UK have come to that same conclusion. An appeal to the Supreme Court, however, will test this further.

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Featured image: British home secretary Priti Patel (left) and Rwandan foreign minister Vincent Biruta (right) enacting the policy on 14 April 2022 (Licensed under CC BY 2.0)

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