

# The Rwanda Bill: Explained

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ISB Campus Sixth Form and

Freshers' Circle

Friday, 9<sup>th</sup> February 2024



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# History and Context

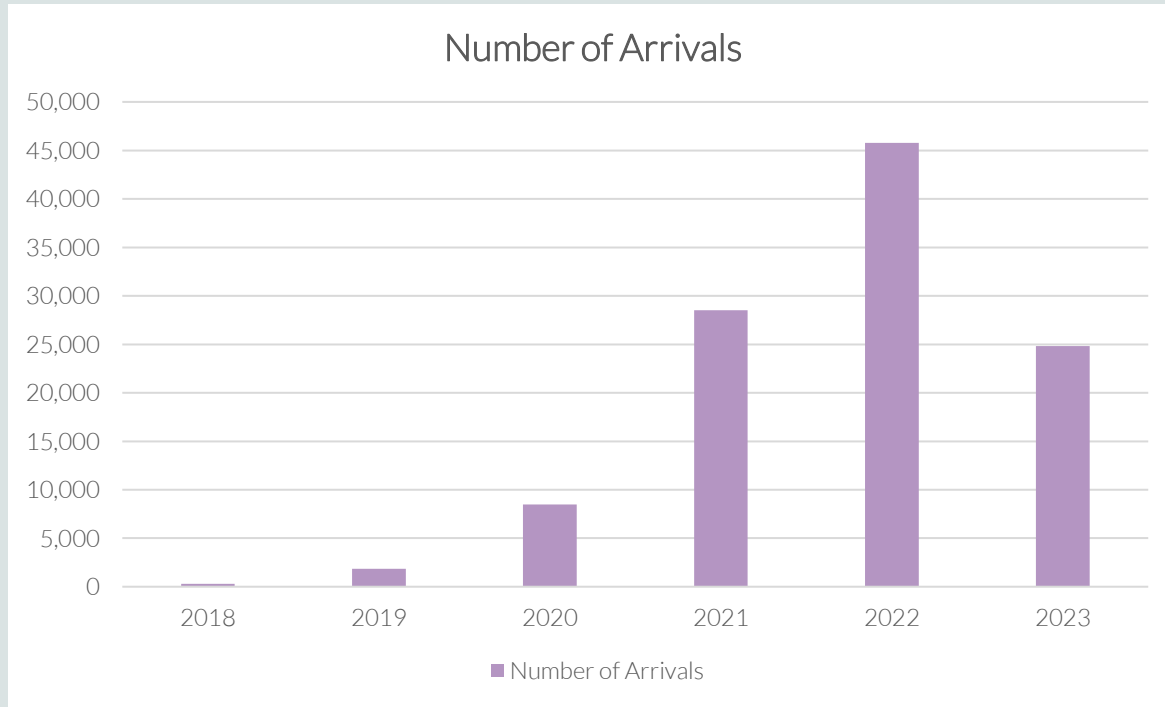
## EUROPEAN CONVENTION ON HUMAN RIGHTS (1951)

- Article 3: States are prohibited from returning individuals to countries where they would face a real risk of torture, inhuman or degrading treatment - *refoulement*
- Resulting issues with returning asylum seekers whose applications have been turned down, but their country of origin is unsafe
- Processing asylum seekers abroad is permissible, but there are obligations upon the transferring country regarding the welfare of the asylum seekers

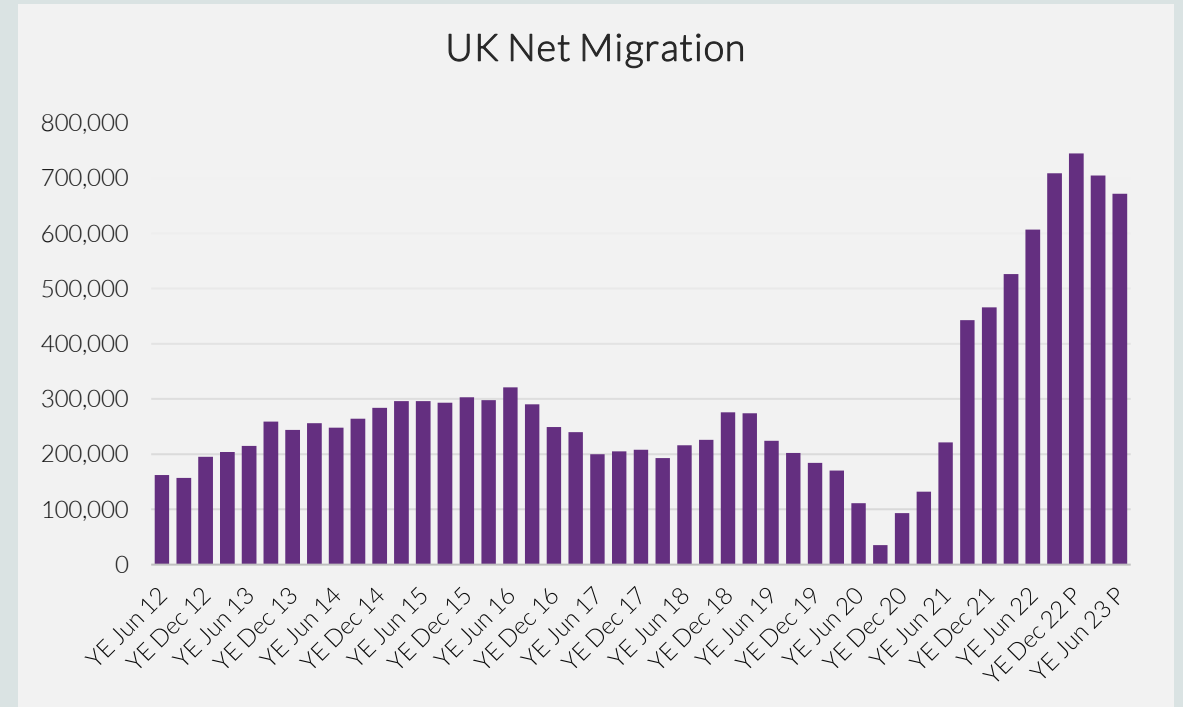
## BREXIT

- End to refugee agreements with European Union
- Asylum case backlog increase
- Increase in non-European immigration (small boats)

# Small Boats and Net Migration



Source: UK Government

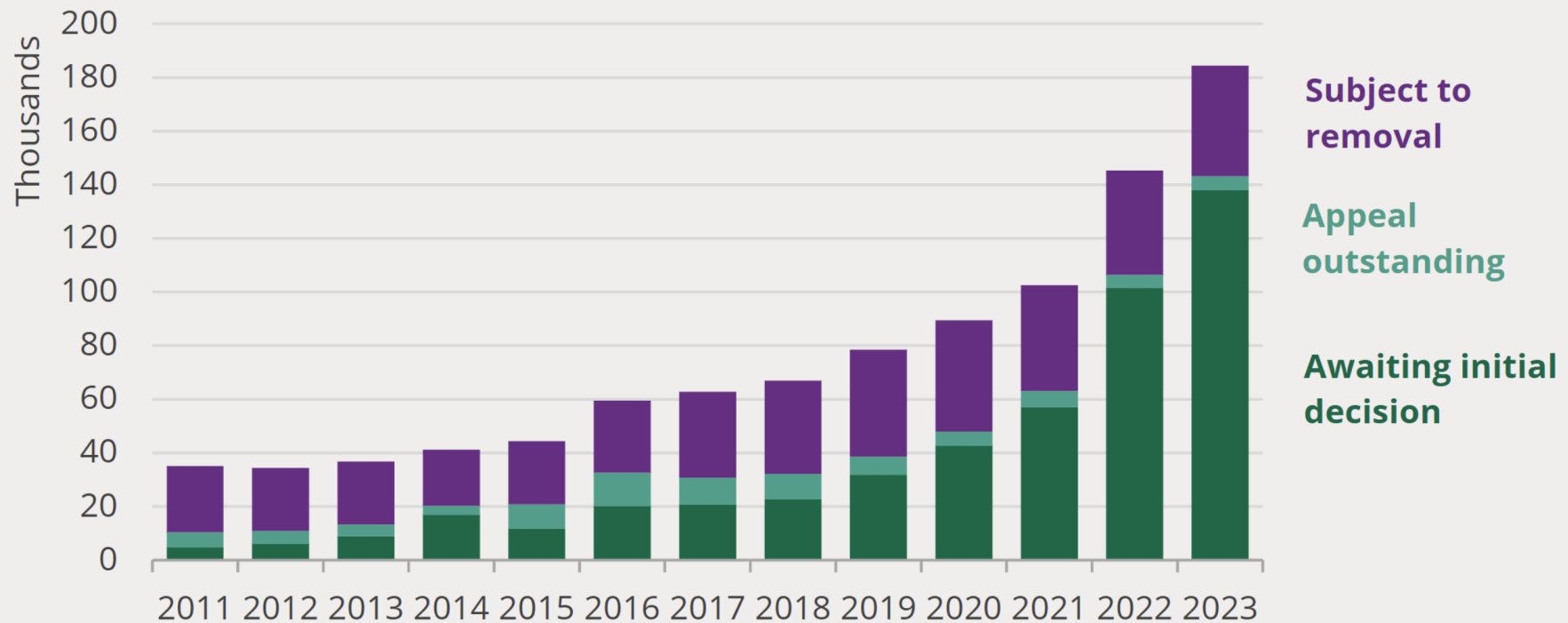


Source: ONS

# Asylum Backlog

## UK asylum 'work in progress' caseload

Snapshot at end of June each year



Source:  
House of Commons Library

# The Rwanda Scheme

- UK Gov signed a five-year, £140 million agreement with Rwanda to send some of the UK's asylum seekers there to have their claims processed
- If their claim is successful, they could be granted refugee status and allowed to stay. If not, they could apply to settle in Rwanda on other grounds, or seek asylum in another "safe third country".
- No asylum seeker would be able to apply to return to the UK
- At present, no asylum seekers have yet been sent there.

# The Rwanda Scheme

## ISSUES WITH IMPLEMENTATION

- Rwanda scheme ruled **unlawful** by the UK Supreme Court in November 2023 due to 'serious and systemic defects in Rwanda's institutions and procedures for processing asylum claims'
- Concern of genuine refugees sent there being later sent back to their home countries – potentially harmful
- Human rights record of Rwanda - 1994 genocide
- Overstrained immigration system
- In 2021, the UK government had itself criticised Rwanda for its "extrajudicial killings, deaths in custody, enforced disappearances and torture".
- Incident where Rwandan police opened fire on protesting refugees

# UK-Rwanda Treaty

- Signed in December 2023
- Provides guarantees and protections not in the original MoU
- Relocated individuals cannot be removed by Rwanda to any country except the UK – addresses refoulement
- Enables the UK to request the return of anyone removed to Rwanda
- Independent monitoring committee to be put in place

## IS RWANDA A 'SAFE' COUNTRY?

- Existing issue still remains regarding whether or not Rwanda is a safe country
- Treaty contradicts this government's own Illegal Migration Act – once removed from the UK to safe third country, they cannot be returned



# Safety of Rwanda (Asylum and Immigration) Bill

## CONTENTS

- Intended by the UK government to be a solution to the legal blockages to the Rwanda Scheme
- 'Every decision-maker must conclusively treat the Republic of Rwanda as a safe country'.
- Disapplication of the Human Rights Act 1998

## ISSUES

- Violation of International Law – government minister unable to provide (conventional) assurance of compliance
- Dangerous – undermines the courts
- Sets a precedent of a government overruling the courts – problematic when it comes to courts ruling on the legality of Government decisions
- Parliamentary sovereignty
- House of Lords

# State of the Rwanda Bill

- Has passed 3<sup>rd</sup> reading in the House of Commons
- Currently in the Committee stage in the House of Lords
- Conservatives do not have a majority in the House of Lords
- They can block bills for up to two years

# Summary

01

To solve the issue of the small boats, government signs MoU with Rwandan government

02

UK Supreme Court rules the scheme to be unlawful

03

UK-Rwanda Treaty signed to address these issues

04

Concerns about Rwanda being a 'safe' country

05

UK Government resorts to attempting to pass the Rwanda Bill

# The Future

## WHAT NEXT?

- Still needs to pass through the house of Lords
- Will face legal challenges even if passed
- International consequences

## LABOUR POLICY

- 'Unworkable and immoral'
- Will reverse it even if it works
- Europe-wide returns agreements
- Deal with France to prevent boat crossings
- Sharing burden

# Discussion Points

- What kinds of moral issues are there when it comes to handling refugees and asylum seekers?
- What practical issues are there?
- What do you think should be the right way for a UK government to handle the issue?



The way to get  
started is to quit  
talking and begin  
doing.

Walt Disney