

Safety of Rwanda (Asylum and Immigration) Bill Fact Sheet

What are we going to do?

- The Safety of Rwanda (Asylum and Immigration) Bill responds to the Supreme Court's concerns and will allow Parliament to confirm the status of the Republic of Rwanda as a safe third country, thereby enabling the removal of persons who arrive in the United Kingdom (UK) under the Immigration Acts.
- The Bill:
 - Confirms that Rwanda is a safe third country for the purposes of removing individuals to Rwanda;
 - Confirms that Rwanda has agreed to fulfil its obligations under the UK's treaty with Rwanda [UK-Rwanda treaty: provision of an asylum partnership \(accessible\) - GOV.UK \(www.gov.uk\)](#)
 - Makes clear the very limited scope for individuals to challenge their removal to Rwanda.
- This Bill builds on the objectives set out in the Illegal Migration Act 2023, Nationality and Borders Act 2022, and the measures set out in the New Plan for Immigration, as part of a wider strategy to tackle illegal migration.
- The treaty sets out the international legal commitments that the UK and Rwandan Governments have made consistent with their shared standards associated with asylum and refugee protection. It also commits both Governments to deliver against key legal assurances in response to the UK Supreme Court conclusions.
- Information regarding the improvements made is set out in a detailed evidence pack which represents a material update to the factual picture considered by the courts.

Why do we have new Bill and Treaty?

- The overarching purpose of this Bill is to deter dangerous and illegal journeys to the United Kingdom, which are putting people's lives at risk, and to disrupt the business model of people smugglers who are exploiting vulnerable people.
- Last year (to 10 December 2023), 29,090 people have arrived in the UK by small boat. This compares to around 44,600 at the same point in 2022 - a fall of around a third, but we need to do more to fully resolve the problem and stop the business of smugglers and traffickers.
- The small boats problem is part of a larger global migration crisis, but one that this Government is committed to tackling, including with international partners. The Migration Economic Development Partnership (MEDP) with the Government of Rwanda is one part of our wider programme of work to stop the boats.
- The MEDP will not only act as a strong deterrent but also demonstrate that it is not necessary to take dangerous and unnecessary journeys to find safety as promoted by smugglers.

- On 15 November 2023, the Supreme Court concluded that deficiencies in the Government of Rwanda's arrangements for determining asylum claims could lead to risks of refoulement.
- The Home Secretary made a statement to Parliament that in response to the conclusion of the Supreme Court, a new treaty between the UK and Rwanda would be finalised containing assurances about the adequacy of the Rwandan asylum process and a provision that reinforces the principle of non-refoulement – a key issue identified by the Supreme Court. The Prime Minister also announced that the UK Government would introduce new legislation to enable Parliament to confirm that, with the new treaty, Rwanda is a safe country.

Is Rwanda really safe?

- The Supreme Court did not express a conclusive view about the risk of Article 3 ill-treatment of relocated individuals in Rwanda itself (aside from the risk of refoulement). That issue was not the subject of detailed argument at the hearing of the appeal, and in the light of its conclusion on the refoulement issue, the Supreme Court considered that it was unnecessary for them to determine it. As such, the High Court's determination the Rwanda was, in general, safe for individuals removed under the MEDP was not disturbed. However, the Supreme Court did find that individuals removed under the policy were at real risk of onward refoulement due to deficiencies in Rwanda's asylum system.
- An Evidence Pack is published alongside the Bill, which details the evidence HMG has used to inform their assessment on the safety of Rwanda. It concludes that, alongside the treaty, Rwanda is safe for the purposes of asylum processing, and the Policy Statement outlines the key findings.
- Since the MEDP was announced, the UK and Rwanda have worked closely to ensure that individuals relocated under the agreement will be safe and that their rights will be protected. With the treaty, the principles for the treatment of all Relocated Individuals are confirmed in an internationally binding agreement, whilst the strengthened monitoring mechanisms ensure practical delivery against the obligations. For example, individuals will not be at any risk of destitution as they will be accommodated and supported and will have access to integration packages so that they can study and work. They will also have full access to free healthcare.

How are we going to do it?

The Treaty

- The Partnership with the Government of Rwanda will now be set out in a new treaty binding in international law. The treaty has been agreed by the Governments of the UK and Rwanda and was worked on by both parties with close care and attention. Under the constitution of Rwanda this Agreement shall become domestic law in Rwanda upon ratification.
- The treaty will ensure that:
 - Rwanda will not remove any person relocated under the MEDP, in any circumstances, to a country other than the UK.

- Those who are not granted refugee status or humanitarian protection, will instead be granted permanent residence so that they are able to stay and integrate into Rwandan society. All individuals relocated to Rwanda will be treated in the same way regardless of the decision of their asylum claim.
- Relocated individuals will be given safety and support in Rwanda and legal assistance will be available for all stages of the process, including legal representation for court appeals.
- The Rwandan asylum system will be strengthened through a new appeal body within its court system. This will consist of one Rwandan and one other Commonwealth co-president and be made up of judges from a mix of nationalities, selected by the co-presidents and duly appointed.
- The treaty also enhances the role of the independent expert Monitoring Committee. They will ensure that the obligations under the treaty are adhered to by monitoring the end-to-end relocation process from the initial screening to relocation and settlement in Rwanda.
- The Monitoring Committee will also be responsible for developing a system to enable relocated individuals and legal representatives to lodge confidential complaints directly to the Committee.

The Bill – Safety of Rwanda (Asylum and Immigration) Bill

- The Bill builds upon the treaty between the UK and the Government of Rwanda signed on 5 December 2023. The Bill reflects the strength of the Government of Rwanda's protections and commitments given in the treaty to people transferred to Rwanda in accordance with the treaty.
- The treaty, alongside the evidence of changes in Rwanda since summer 2022, will enable Parliament to conclude that Rwanda is safe and the new Bill provides Parliament with the opportunity to so.
- The legislation will allow, under the Immigration Acts, the removal of persons to the Republic of Rwanda by:
 - Enabling Parliament to confirm that, with the new treaty, Rwanda is safe.
 - Requiring decision makers and courts and tribunals to treat Rwanda as generally safe, when making decisions, or hearing claims about decisions relating to the removal of a person to Rwanda.
 - Preventing domestic courts and tribunals from hearing cases or granting interim remedies on matters relating only to general safety of Rwanda. They can hear individual cases related to the safety of Rwanda only where there is compelling evidence relating specifically to a person's individual circumstances. Interim relief can only be granted where the court or tribunal is satisfied that the person would face a real, imminent and foreseeable risk of serious and irreversible harm if removed. Individual claims and interim remedies will not be available to the extent the claim is based on an allegation that Rwanda will or may remove or send the person to another State in contravention of any of its international obligations.

- Disapplying elements of the Human Rights Act 1998.
- Setting out that it is only ever for a Minister of the Crown to decide whether to comply with a Rule 39 interim measure of the European Court of Human Rights and that domestic courts and tribunals must not have regard to Rule 39 interim measures when considering domestic interim relief applications which may delay or prevent removal.

Addressing the Supreme Court's findings

The Supreme Court's findings were based on information provided to the Court up until summer 2022. The Supreme Court recognised that changes may be delivered in future which could address the conclusions they reached. We have done this through the treaty and other changes outlined in the evidence pack.

The Supreme Court concluded that individuals relocated to Rwanda under the MEDP faced a risk of return to a country where they fear persecution (known as 'refoulement').

The treaty addresses this conclusion directly by containing an undertaking from Rwanda that they will not remove any person relocated under the MEDP to a third country, apart from the UK, and that individuals relocated to Rwanda who are not granted asylum or humanitarian protection status will get equivalent treatment to those who are, including permanent residence. This means that no one relocated can be removed to a country where they would risk persecution.

The Supreme Court found several reasons why individuals removed to Rwanda may be at risk of refoulement. As well as addressing the overarching refoulement risk through the non-removal provision in the treaty, the UK and Rwanda have worked together closely to ensure the individual findings of the court have likewise been addressed. These include:

- **Rwanda's compliance with their international obligations**

As strong partners, with a shared commitment to working together to tackle global migration challenges, the UK has always been confident Rwanda would comply with their assurances under the initial terms of the MEDP, and with their wider obligations under international law. Rwanda is a signatory to key international agreements protecting the rights of refugees and those in need of international protection. Rwanda's obligations under these international agreements are embedded in its domestic legal provisions. The Rwandan constitution ensures that international agreements Rwanda has ratified become domestic law in Rwanda. Article 28 of the constitution recognises the right of refugees to seek asylum in Rwanda.

However, noting the Court's findings, the UK and Rwanda have agreed, as set out in the treaty, that the Monitoring Committee, comprising 8 independent experts, will have an enhanced role.

Article 15 of the treaty enhances the role of the independent Monitoring Committee, ensuring that obligations under the treaty are adhered to in practice. The Monitoring Committee will have the power to set its own priority areas for monitoring, will have unfettered access for the purposes of completing assessments and reports, and the ability to publish these reports as it sees fit. It will monitor the entire relocation process from beginning including initial screening to relocation and settlement in Rwanda. Crucially the Monitoring Committee will undertake real time monitoring of the Partnership for at least the first three months, this period of monitoring can be extended if required. The treaty also enables the Monitoring Committee to agree its own Terms of Reference and it has done so looking ahead to the provisions of the treaty.

- **Deficiencies in the asylum system**

The UK has worked extensively with Rwanda to build capacity of their current asylum system. Home Office technical experts have supported training delivery to Government of Rwanda officials and members of the judiciary and the Rwandan Bar Association. In line with the UK and Rwanda's shared international obligations as Refugee Convention signatories, this training has focussed on how consolidating knowledge of refugee law and how to apply this in conducting interviews and making effective asylum decisions. This further training was not evidence before the Supreme Court, as its decision was based on the situation up until summer 2022.

Moving forward, the provisions agreed under the treaty will strengthen and streamline key aspects of Rwanda's end-to-end asylum system by moving to a caseworker model. To build system capability and quality assure decisions, Rwanda has agreed that for at least the first six months, they will seek advice from a seconded independent expert (independent of the Government of Rwanda) before refusing any claim.

This, in addition to the wider assurances around training and process addresses the Supreme Court's finding that individuals could be refouled following an incorrect refusal. More information is set out in the evidence pack.

- **Lack of access to legal representation**

The treaty will strengthen the current position on access to legal representation to address the conclusions of the Supreme Court.

It makes clear that free legal advice can be sought at all stages of the asylum application process. Legal representatives will be able to attend interviews with Relocated Individuals and make written submissions on their behalf, which must be taken into account before a decision can be reached.

Under the terms of the treaty, Rwanda must take all reasonable steps to ensure that there is sufficient capacity of appropriately trained legal advisors available to provide free legal advice. The UK and Rwanda will cooperate to ensure that such capacity is available in all cases.

- **Lack of judicial independence**

Under the terms of the treaty, Rwanda has agreed a new appeals process that will ensure the final determination of an asylum claim will be objective and independent.

Under this process, two specially appointed judges, one Rwandan and one other Commonwealth nationality, will act as co-presidents of the new Appeal Body for at least the first 5 years. They will be responsible for selecting judges from a mix of nationalities, who will then be duly appointed. Each appeal will be heard by a panel of three judges: including one of the co-presidents. The new approach will address the findings of the Supreme Court on the independence of the Rwandan judiciary by embedding subject matter experts at the heart of the appeal process, including, for the first 12 months, consulting an independent expert in asylum and humanitarian protection law before determining appeal outcomes. Any decisions overturned by a higher Rwandan court will return to this Appeal Body to be decided again.

Key Facts

- In 2022, over 45,700 illegal entrants entered the UK having crossed the English Channel in small boats; this compares to some 28,500 in 2021 and 8,500 in 2020.
- In 2022, many of the illegal entrants originate from safe countries, such as Albania (28% of the total), and all travel through safe countries, such as France or other safe European countries.
- Last year (to 10th December 2023), 29,090 people have arrived in the UK by small boat. This compares to just around 44,600 at the same point in 2022 - a fall of around a third.
- Rwanda has a strong history of providing protection to those that need it, and currently hosts over 135,000 refugees and asylum seekers who have found safety and sanctuary there. The UNHCR operates its own refugee scheme in Rwanda.

Frequently Asked Questions.

How does this Bill interact with the Illegal Migration Act 2023?

- The Illegal Migration Act 2023 includes a measure to place a duty on the Secretary of State to send any illegal migrant who is encountered pre-or-post arrival either to their home country or to a safe third country for consideration of any asylum or human rights-based claims. Amongst other measures it includes a detention power to enable persons in scope of the scheme to be detained pending their removal.
- This Bill will sit above the Illegal Migration Act 2023 and sets out in law that Rwanda is deemed to be a safe country to which the Secretary of State can remove illegal migrants to in order to have their asylum or human rights-based claim considered there. This Bill means that courts, when considering claims under the Illegal Migration Act, cannot consider arguments against removal based solely on the general safety of Rwanda.

If the safeguards in the treaty make Rwanda safe, why do you need a Bill at all?

- The treaty will go through the proper ratification process and the Government is clear that the guarantees in the treaty, alongside evidence of changes in Rwanda, will enable Parliament to conclude that Rwanda a safe country.
- The Bill gives Parliament the opportunity to consider the evidence and come to a conclusion as to the safety of Rwanda.

When will a first flight take off to Rwanda?

- The Prime Minister and the rest of the Government are focused on delivering on people's priorities, including stopping the boats.
- That is why we are addressing the conclusions of the Supreme Court so that flights to Rwanda can begin as soon as possible.
- Both the treaty and Bill need to progress their respective paths through Parliament in the usual way before flights can begin. However, the quicker we begin flights, the quicker we can stop the boats.

Does this Bill comply with the UK's international legal obligations?

- We take our obligations to the courts and international legal obligations very seriously. We have devised a solution that, while innovative, is within the framework of International law. It is a long-term solution that addresses the concerns set out in the Supreme Court judgment and ensures this policy can go ahead, paving the way for other countries to look at similar solutions.
- The Supreme Court recognised that changes may be delivered in the future which would address the issues raised.
- Therefore, the judgment does not weaken our resolve to deter people from making these illegal, dangerous, and unnecessary journeys.
- Innovative solutions are needed to stop people coming here illegally and our partnership with the Government of Rwanda offers just that.
- Relocating migrants to safe third countries to process their asylum claims is compliant with the UK's obligations under the Refugee Convention – as confirmed by

the High Court and the Court of Appeal. It is a model that other countries are exploring, including Austria, Italy, Germany and Denmark.

Why is Rwanda now deemed to be safe when the Supreme Court found it not to be?

- The judgment was based on information provided to the Court on Rwanda up until summer 2022.
- The treaty does not over-ride the judgment, rather responds to its key findings to ensure the policy can go ahead.
- The Court recognised that changes may be delivered in the future which would address the issues they raised. These are those changes. We believe these address the Supreme Courts concerns and will now aim to move forward with the policy and help put an end to illegal migration.
- The treaty contains three main elements:
 - It ensures asylum seekers relocated to Rwanda under the Partnership are not at risk of being returned to a country where their life or freedom would be threatened– known as 'refoulement'.
 - The treaty also strengthens Rwanda's asylum system. Rwanda will establish a new Appeal Body within its court system to hear appeals against refusals of asylum or humanitarian protection claims.
 - The functions of the independent Monitoring Committee have also been enhanced to ensure that obligations under the treaty are adhered to in practice.

How many people can be relocated to Rwanda?

- The arrangement to relocate individuals to Rwanda is uncapped. Rwanda has plans in place to scale up provision to take in as many relocated individuals as required.

What are the costs for the Rwanda policy?

- We have so far given Rwanda £240 million – this breaks down as £120 million in year one and £100 million in year 2 for the Economic Transformation and Integration Fund and £20 million in year 1 as a credit to pay for operational costs in advance of flights.
- This is expected to be a long-term partnership. The full cost will become clear over time as people are relocated and it will depend on their individual circumstances, the total number of people sent and the policy's deterrent effect.
- We will continue to set out the costs of the scheme in our annual accounts in the normal way.

What is the role of the enhanced independent Monitoring Committee?

- They will ensure obligations under the treaty are adhered to in practice and will be able to take steps to prevent errors at an early stage.
- There are 8 independent expert members with a variety of backgrounds and the details for these are published on gov.uk.
- The Monitoring Committee will:
 - have the power to set its own Terms of Reference and priority areas for monitoring, will have unfettered access for the purposes of completing

assessments and reports, and the ability to publish these reports as it sees fit.

- monitor the entire relocation process from beginning including initial screening to relocation and settlement in Rwanda. This includes treatment and support of relocated Individuals at all times, including after final determination of status and for up to 5 years after relocation in line with the duration of integration support provided for those who chose to remain in Rwanda.
- undertake real time monitoring of the Partnership for at least the first three months (and up to 12 months). This will ensure that the Monitoring Committee can rapidly identify, address and respond to any shortcomings or failures to comply with the obligations in the Agreement and identify areas for improvement or urgently escalate issues, prior to any shortcomings or breaches placing a relocated individual at real risk of harm. This will include reporting to the Joint Committee co-chairs within 24 hours in emergency or urgent situations.
- be responsible for developing a system to enable relocated individuals and legal representatives to lodge confidential complaints directly to the Committee.

How many Judges will be involved in the new appeals process?

- Two specially appointed judges, one Rwandan and one of other Commonwealth nationality, will act as co-presidents of the new Appeal Body for at least the first 5 years.
- They will be responsible for selecting judges from a mix of nationalities, who will then be duly appointed.
- Each appeal will be heard by a panel of three judges: including one of the co-presidents.
- The Appeal Body will have jurisdiction to conduct a full re-examination of the Relocated Individual's claim in fact and law; and the co-presidents shall determine the procedure they consider appropriate for that purpose.
- For the first 12 months following ratification of this Agreement (extendable by agreement between the Parties), the Appeal Body shall receive and take into account an opinion from an independent expert (independent of the Government of Rwanda) in asylum and humanitarian protection law before determining the appeal outcome. To ensure transparency, Rwanda shall ensure that the expert opinion is published.

What individual claims will suspend removal?

- Under the Illegal Migration Act, only claims based on a real risk of serious and irreversible harm if the person is removed to Rwanda or that the person does not meet the four conditions set out in section 2 of the Act will suspend removal.
- For the pre-IMA cohort, a human rights claim based on a person's particular individual circumstances will suspend removal. However, if the claim is refused and certified as clearly unfounded, there is no right of appeal and, under the Bill, the courts and tribunals will only be able to grant interim relief and suspend removal where the person would face a real risk of serious and irreversible harm if removed.