



Home Office

Country Information Note

Rwanda: Annex 1 (Government of Rwanda evidence)

Version 1.0

December 2023

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Annex 1

Section updated: 11 December 2023

About the country information

1.1.1 This annex contains

- Interview notes from meetings between the Government of Rwanda (GoR) and members of the Country Policy and Information Team (CPIT).
- GoR responses to written questions submitted by CPIT.
- Other documentation provided by GoR, including Standard Operating Procedures (SOPs) and operational templates.

1.1.2 The inclusion of a source is not necessarily an endorsement of it or any view(s) expressed.

1.1.3 Annex 1 forms part of the evidence base for the Home Office's assessment of whether Rwanda can be considered safe for persons relocated from the UK (Relocated Individuals).

1.1.4 Annex 1 should be read together with:

- [Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the provision of an asylum partnership to strengthen shared international commitments on the protection of refugees and migrants \(the Treaty\)](#)
- [Safety of Rwanda \(Asylum and Immigration\) Proposed Draft Bill](#)
- [Country Information Note – Rwanda: Asylum system](#)
- [Country Information Note – Rwanda: Human rights](#)
- [Country Information Note – Annex 2 UNHCR evidence](#)
- [Country Information Note – Annex 3 Other material](#)

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A1. Home Office meeting with Rwandan Government officials, 18 January 2022

GoR officials present

Ministry of Emergency Management (MINEMA)/Single Protect Implementation Unit Coordinator

Director of Visa and Permits, DGIE

Director of Response and Recovery Unit MINEMA

Another Senior Official from MINEMA

Permanent Secretary of Ministry of Foreign Affairs and International Cooperation (MINAFFET)

Retired colonel and Special Advisor/Immigration Ops

[Two in the meeting are members of the RSD committee]

Information from:

- Law related to refugee management
- Prime Minister's order relating to functioning of the National Refugee Status Determination Committee (RSDC)
- Members working and collaboration agreement

Member institutes working and collaborating on Refugee status determination (RSD):

- Office of the Prime Minister (Chair)
- National Commission for Human Rights (NCHR) – V/Chair
- Ministry of Emergency Management (MINEMA) – Secretariat
- Ministry of Foreign Affairs and International Cooperation (MINAFFET)
- Ministry of Defense (MoD)
- Ministry of Justice (MINIJUST)
- Ministry of Local Government (MINALOC)
- Ministry of Health (MoH)
- Ministry of Interior (MININTER)
- Ministry of Environment (MoE)
- Directorate General of Immigration and Emigration (DGIE)

Asylum process

Information provided by MINAFFET and by Director of Response and Recovery Unit MINEMA:

The eligibility and protection office in MINEMA does day-to-day management. Scope of the Refugee Status Determination Committee (RSDC) is to take decisions on applications for refugee status and decisions on revocation of the RSD according to international laws.

For example, where an applicant faced terrorist charges, the committee could take the decision to revoke.

How the RSDC functions:

- The process begins at the airport/border (first dealing with immigration.) which is entry clearance and preliminary processing.
- DGIE receives file and provides a preliminary analysis of the application. DGIE submits the application to RSDC.
- Once files are received, the MINEMA Eligibility and Protection Office ensures all information is received. If something is missing, further information can be requested to be submitted by the applicant. The RSDC can request to meet the applicant to verify information (in a 20-40 min interview).
- A meeting with RSDC is organised within 2-3 weeks of receipt of the application to decide the claim.

Q - Are all claimants interviewed or are some claims decided on paper?

A - Depending on the case, a claimant may be called for additional interview. A decision can also be taken based on the available information

Q - Making a claim - Initial registration of claim – where? How? What information does a person receive about how the asylum system works?

A - Director of Response and Recovery Unit MINEMA

A) A person receives information at the first application point during first reception with DGIE. The officer who receives the person will provide the initial information.

B) For the first level claim: they are provided information on their right to/how to claim. This can take place during the interview with RSDC or during the handover of the notification. For example information about further level of appeal, support from NGOs/UNHCR frameworks and where they can get legal assistance etc.

C) for the second level of claim – rights and responsibilities of submitting an appeal to the High Court and gaining assistance, this information would be provided when the first decision notification was handed over.

Colonel and Special Advisor on Migration - Once an asylum seeker is in the country the local authorities on the ground take them to immigration. They don't process them. There are immigration offices at all borders and throughout RWA. So that is when the formal process starts.

Q- How long does that take?

A - Colonel and Special Advisor on Immigration - When received by the local authority (LA) they are taken to immigration which starts the process. This is usually straightaway but if they arrive at night for example, they will be accommodated by the LA.

Q Is someone interviewed by DGIE then taken to the transit centre?

A – Director of Response and Recovery Unit MINEMA - If someone enters the border and claims asylum, the LA reports the person to the nearest immigration centre. Temporary resident permit is issued. The LA reports immediately to the reception centre, transit centre or camp. In that period the process continues as per

the RSD. They can appeal etc.

Q - Do they have a choice to go to transit, reception, urban or camp?

A- Director of Response and Recovery Unit MINEMA: Yes, within the structures or outside of the refugee camp if the person can sustain themselves.

A - Colonel and Special Adviser on Immigration - they are received by the LA (they are responsible for catering for vulnerable people). They may stay over-night for example. They have offices where they can sustain them, they can stay with family or open a shelter.

Q - Are the applicants interviewed once by immigration?

Once the applicant arrives at immigration, the immigration officers do preliminary interviews. Then they are registered and get the temporary resident permit.

A- Colonel and Special Advisor on Migration. There are two points of contact. Preliminary interview is just registering basic information and issuing the temporary residence permit so the applicant can stay legally. That is then passed on to DGIE and they can do a subsequent interview. However, if they have enough information from immigration, then the RSDC can use that. The RSDC can also ask for more information from the person, within the 3 months

Q - Are meetings with the RSDC set on regular dates? Are they on an individual basis or group consideration?

A- Director of Response and Recovery Unit MINEMA - The law dictates that the RSDC must meet twice a quarter but there is provision to meet on a weekly basis if we have many cases. If cases are similar, we can group them together. For example, applicants from the same country or similar claim type. This makes it easier to make decisions.

We may ask the Ministry of Foreign Affairs to obtain additional information.

Decisions are taken by consensus. If necessary, we can move to vote but this is in only a few cases, the majority [of the time] we are able to form a consensus. An additional meeting can be added if we need to further discuss to reach a consensus.

If necessary additional institutions can be invited to the RSDC meeting to advise/provide info ie UNHCR. They are unable to vote/make a decision, but can attend an advisory capacity. For example, on a country where there is not much information or the decision is more difficult, they can link us with officers in that country to obtain information to assist the decision-making process.

We try to avoid pending cases – this only occurs where we lack information and need more time.

Q - Do claimants have access to interpreters?

Yes, when necessary

A - Director of Response and Recovery Unit MINEMA Most of the time we collaborate with UNHCR. If someone on the committee doesn't speak Arabic etc then we will get an interpreter but most of our asylum seekers are from countries surrounding ours so we usually speak one of the languages.

Q - What legal advice and support does an asylum seeker get throughout the process? Is the availability of legal representation and/or advice through

NGOs clearly communicated to claimants?

A – Director of Response and Recovery Unit MINEMA Legal assistance is provided for the 2nd level claim. Up to now there have been no cases of an asylum seeker having a lawyer before the RSDC decision because the initial decisions are based on analysis of facts and explanations provided by the asylum seeker. For cases submitted to the High Court we have an implementing partner (NGO) so if there is a need to provide legal assistance, that NGO would be able to provide help. The information on legal assistance is provided during the handing over of the notification of the first level decision.

Q - Are they allowed to have a LA at first level claim if they want one or allowed to request one?

A - Director of Response and Recovery Unit MINEMA No, only at the level where a case goes before the court. There is no legal assistance for appeal to the minister.

Q-What role, if any, do NGOs or CSOs play in the process or in supporting individual applicants?

A - NGO pays for legal assistance.

Q - Is there any monitoring of legal advice/interpreter quality?

A - We have not had a complaint. We have an interpreter for the applicant and one for the government.

Q - Does the applicant have the right to correct what has been recorded by the govt ie correct translation errors that occurred in interviews?

A - Most of the cases are from surrounding countries so we share languages and there is no language barrier. Arabic/Amharic/Tigrinya we have high quality interpreters (collaborating with UNHCR). No cases where we have had that, but we would be able to give the applicant a second chance to verify what had been said if necessary.

A - Senior Official DGIE The person interviewing the asylum seeker takes notes, the script is not necessarily given to them but you make notes and may clarify facts. The applicant approves what you have captured. At a later stage you can speak to them again on the phone or write for subsequent interview to clarify points.

Q - If you require a person to come for an interview or to provide more information do they get help to get to the RSDC? ie transfer or bus fare.

A - Director of Response and Recovery Unit MINEMA If someone is in the camp we send a bus to the camp to collect them. Or if mass claims we can go to the camp, especially for children etc then the RSD committee can move.

Q -On giving the person the decision – to what extent do you give reasons for decisions?

A - Senior Official from MINAFFET We may explain the decision. The applicant will then be able to expand on anything they didn't mention for the appeal. We always communicate the decision to the applicant.

Q - There is reference in the UNHCR statistics to 'closed cases' – can you clarify what that means?

A - When someone applies for asylum we communicate that to UNHCR. We have a

shared system. Once the decision is taken that is communicated to DGIE, UNHCR and the national documentation agency. UNHCR either close the case or confirm status and issue the refugee documents. If refused and the person chooses not to appeal, then it is closed. It means the process of taking the decision is finished and applicant is satisfied of the process outcome.

Timeframes:

Information provided by MINAFFET and the **Director of Response and Recovery Unit MINEMA:**

Timelines for key stages of the process are:

- Submission of application files by DGIE: within 15 days
- **Decision by RSDC:** within 45 calendar days (can be made sooner, sometimes 5 or 10 days)
- **Notification of the decision:** Within 10 days the committee to communicate to the applicant. Provided by a letter in one of the 3 official languages of RWA – English French or Kinyarwanda
- **Appeal:** within 30 days
- Appeal decision: within 30 days

The RSDC Committee makes the decision after analysis of the case.

Q- what is the composition of the RSDC?

Senior Official MINEMA - Committee are senior officers across ministries.

Q- Does everyone on the committee have to attend to make the decision or is there a minimum amount? Senior Official MINEMA - There is a core number provided by law. For example, if there are 11 people on the committee at least 7 should attend. We can always call a second meeting.

Q - Targets in process? Any stats on how long it takes you to make those decisions. Do you monitor the process?

Director of Response and Recovery Unit MINEMA: The timelines are the limit. When they receive the application from DGIE it takes between 2 -3 weeks to organise the meeting and make a decision. If the applicant wants to appeal, they usually do it immediately rather than at the 30 days.

We don't have someone responsible for monitoring those targets, but there is someone who sets meetings, chases missing information to keep on track. If we are not able to complete on target that forms a strong basis for appeal to the 2nd level. For example, if it took 6 months that is a strong reason for the court to revoke the decision of RSDC.

RSDC – capacity

MINEMA ensures continuous capacity for effective RSD process – refresher training is provided every year for RSDC members and officers from MINEMA and DGIE.

Two officers in the Eligibility and Protection office have also benefited from professional training on Eligibility in a specialised centre (Italy) during the last 4 years.

The RSDC has decided cases from a variety of nationalities in the last 3 years (DRC,

Burundi, Eritrea, Ethiopia, Sudan, South Sudan, Cameroon, Chad, Syria, Lebanon).

The readiness of RSDC to handle a potential increased number of applications would be achieved through increasing the number of RSDC sittings and to group similar cases together.

Appeals

When rejected, the applicant asylum seeker can make an appeal to the Minister in charge of Emergency Management. She/he submits a letter appealing the RSDC decision. In this case the Minister assigns a special team to assess the decision taken by RSDC for confirmation or revocation. From the departments of Ministry of Foreign affairs or the PM's ministry legal dept, not those part of the RSDC. The team is not fixed it depends on the case. The minister gathers a team with the capacity and experience to consider and analyse the case.

The asylum seeker has a second level appeal option provided by the law to submit the case to the High Court.

Q – is there a set number of people in the appeal team?

Director of Response and Recovery Unit MINEMA: No. It depends how many appeals there are and what needs to be re-assessed. May be 9 different government ministries to assess. People are chosen who have the knowledge/ability and can consider/challenge the decision of the RSDC. The minister may appoint one of the RSDC members to provide information on the basis of the decision. That team makes the decision (recommendation) and then that decision goes to the minister to finally decide.

Q- is the judicial consideration/decision at appeal independent from the RSDC?

A – There is no connection between the RSD proceedings and the high court proceedings. One of the government officials from the MoJ presents to the court. The same would apply to asylum seekers.

Q- When a person appeals do they have to give the reasons or detailed reasons why appealing?

A- The applicant can, but they can also just appeal without providing detail and that is sufficient to go forward.

A - Colonel and Special Advisor on Immigration- There is a legal right to appeal, and to be not happy with the decision is enough.

Figures from 2019 –

Refugee status granted: 44 cases comprised of 62 individuals

Refugee status rejected – 64 cases comprised of 124 individuals

Pending: 2 cases comprised of 3 individuals

Missing : 2

Number of appeals : 24

Number of appeals change of decisions 2

Number to High court 0 [law was promulgated only last year by official gazette. This will increase the rights of applicants]

Documents

The government provides 3 types of documents:

- Temporary residents permit - rights: allows them to stay in the country legally and obtain assistance from UNHCR.
- Refugee ID [name, DOB, photo, expiry, place] looks like a national ID card and provides these rights: apply for job, reg for health insurance, telephone card, bank, marriage, insurance, college, business, driving permit
- Refugee travel doc [looks like a passport] allows travel abroad

Q When does the temporary residents permit expire?

A - Director of Response and Recovery Unit MINEMA - It is valid for 3 months, the same period as the timeframe for deciding the case. If the decision is delayed, it can be renewed for another 3 months.

Q Does the applicant have to ask for the extension or is it automatic?

A- Director of Response and Recovery Unit MINEMA - There is not another application.

When the applicant has a pending appeal it is a given right that he can stay in country until the case is decided. That is provided in law, even beyond the initial 3 months where necessary.

Q - Does the applicant have to ask for the extension or is it automatic?

A- No, the law is applied automatically.

Q - Do they have to pay for the Refugee ID or travel document?

A - Senior official DGIE. They do not pay for the refugee ID, the travel document they do.

After Refugee status is given and ID/travel doc. Same rights

Q - Do refugees have an opportunity to apply for citizenship?

A – Senior Official from DGIE Not explicitly provided in law on nationality.

Q Do they have to be here for a certain amount of time?

A - There are a set of pathways and options. E.g. time spent in country or through marriage.

Colonel and Special Advisor on immigration - refugees after a certain time they can apply for naturalisation.

Can there be a denial of Residence permit for example due to criminality?

A – There is a very short interview with immigration just to register in the asylum system and enable access to assistance. When the DGIE deems it necessary, they schedule another interview. However, whatever the findings, they cannot revoke the temporary residence permit,

Has the RSDC ever had to revoke?

A - Senior Official MINEMA- Before 2019 we had to comply with the law to accept those who requested their status to be closed.

In terms of revocation possibly 1 case back in 2017 [double check].

Colonel and Special Adviser on Immigration – refugees are subject to the laws of Rwanda for crimes committed here.

Accommodation and support

Q- Within the 3 months when they have temp residence permit where do they live?

A - Director of Response and Recovery Unit MINEMA: The asylum seeker has choice between living in transit/reception centre/refugee camp or urban area.

Q- Are there examples where urban refugees move to camps? If they cannot sustain themselves, they can move to a camp. It also works the other way, they can move out of the camp too.

A - Senior Official from MINEMA – There are 5 refugee camps and 2 reception centres which are open for asylum seekers and refugees.

Last year there were 39 people who went from urban area to camp

In Kigali this year there were 9841 refugees residing and sustaining themselves. Some have a job in the city. If they lose their job and cannot sustain themselves, then they can leave the city and go to the camp for assistance.

Q - Refugees that do go to camps, can they move back to the urban area?

A - Senior Official from MINEMA UNHCR provide support in camps. There are also refugees in camps who have jobs and support themselves. Assistance is provided on level of income [means tested]. So refugees who have business but live in the refugee camp won't have the same level of assistance as those who don't.

Q - What support do urban refugees receive?

Access to livelihood opportunities, medical insurance, protection – if victim of crime there is assistance from the government, NGO, UNHCR

Q - Support during the process – when an applicant first arrives in RWA where do they live? Do they get any support or do they have to live in a camp?

A – Senior Official MINAFFET There is always an option to immediately go to the camp. For neighbouring countries, that is the reason we have established transit centres. Transit centres and receptions centres provide immediate assistance. There will always be some arrangement for transportation to transit centres and we ensure no harm to asylum seekers.

Q- Would the government provide assistance to remain in the city if an asylum seeker wated to reside there?

A – The options are camps, transit centres or reception centres. When in the camp, the person is not restricted to remain there, they can look for other accommodation options. They can request to move to urban areas if they can support themselves, but this does not happen in many cases.

Q - The number of people moved from urban areas to camps is there data on reasons why/gender/nationality split/?

A - Senior Official from MINAFFET Yes, we do have that data.

Freedom of movement

Q - What freedom of movement do asylum seekers and refugees have? Is there a distinction between the two groups? Are there any restrictions on freedom of movement? E.g. locations of travel, limits on time spent away (If yes, what are the restrictions and why are they in place?)

Refugees and asylum seekers have freedom of movement, there are no restrictions. If in a camp management at the camp should be informed that you will be out of the camp but there is no restriction.

Failed asylum seekers, detention and deportation.

What happens to those whose decision is refused at appeal?

Some failed asylum seekers choose to remain in Rwanda and obtain different types of residence permits that suits their purpose of stay. Others return home voluntarily or move to third country.

During the initial interview with DGIE, another option on remaining may be provided. So, if their reason for coming isn't for protection they can be given a work permit for example.

Q- If they decide to apply for an alternative status, do they have to withdraw their application for refugee status?

A – Senior Official from DGIE The first step is to register as an asylum seeker. In the even that is withdrawn by the applicant, he will have to submit a new application for a different status of choice. You cannot have 2 status applications running at once.

A -Colonel and Special Advisor on Immigration- Being refused asylum does not exclude you from another type of status. A person may be an economic migrant. If you are a failed asylum seeker you can choose to go home or reside at one of the camps.

Q If a person is a failed asylum seeker, do they have less rights?

A -Colonel and Special Advisor on Immigration- The right to work is provided by the law for asylum seekers or refugees. You don't have any disadvantage you can work as a migrant, failed asylum seeker or refugee the rights are all the same.

Q - Do you forcibly remove failed asylum seekers?

Not really. Most are from neighbouring countries so they can return or apply to stay in Rwanda. But for example, if they can't get a job they may wish to go back home.

Q - Are asylum seekers detained or deported?

A - Director of Response and Recovery Unit MINEMA - there is no detention of someone who is a failed asylum seeker and no detention to return. Some failed asylum seekers have been assisted to return home.

Q - Is that a legal obligation or a choice not to detain? It depends. There is no restriction in law to detain a person including a refugee who has committed a crime.

Socio-economic inclusion of Refugees in Rwanda

Information provided by Ministry of Foreign Affairs and International Cooperation - Ministry of Emergency Management/Single Protect Implementation Unit Coordinator

There are around 127,112 refugees from various nationalities. Congolese make up 60.67% of the total population while Burundians make up 38.98% and less than 1% are from other nationalities including Eritrea, South Sudan, Ethiopia, etc. 127,112 The majority of refugees (90%) are accommodated in camps

Urban refugees considered as self-reliant make up 10%. Living in camp/urban relies on choice/ability for refugee to sustain themselves.

Most of the urban refugees live in Kigali city with a good number of them living in Huye and Nyamata and very few in other cities (Muhanga, Rubavu, Musanze and Rusizi).

Kigali - 9841

Huye - 842

Nyamata - 2299

Camps are mixed nationalities. Although newest camp hosts majority Burundi.

Q Does a person choose their camp?

A – It depends on their arrival and availability. They don't have a choice they go where settlement is available. UNHCR provide in-camp support.

The Government of Rwanda and other partners are trying to provide support. Starting from 2018 the Government of Rwanda have a development plan with UNHCR to support both urban and camp refugees.

Urban refugees do not receive humanitarian assistance. The 2019 Livelihoods assessment field surveys has shown their source of income as follows:

50% of their income generated from businesses;

25% from other jobs and the remaining portion coming from remittances (11%) and other sources (13.7%)

Q- Do you know the value of average income for a refugee and how that compares to a RWA citizen?

MINEMA can provide stats.

Health support –

The Government of Rwanda has included the urban refugees into National Community Health based insurance (CBHI-MUSA) to support urban refugees to access to health care services

Currently, 9863 urban refugees and refugee students are enrolled to community health insurance and can benefit from health services through the health scheme. UNHCR pay for urban refugee health insurance.

Other support provided is – General protection, SGBV prevention and response, child protection.

Refugees are assisted in legal services (Birth registration, legal assistance) and have access to legal documentation (IDs, Marriage certificates), he same as camp based refugees.

Joint Strategy on Economic Inclusion of Refugees and Host Communities 2021-2024 The strategic plan aspires to ensure the high quality standards of life of refugees and their host communities by improving their socio-economic inclusion through the

proper education, documentation and access to livelihoods opportunities. To date, MINEMA is implementing a World Bank funded project aiming at improving access to basic services and economic opportunities for refugees and host communities. The Matching Grant is provided to Refugees and it serves as an incentive, and aims to improve access to finance and reduce collateral needs on the case of Refugees. Granted to urban and camp based refugees.

Q- Urban refugees get no govt support – how easy is it for them to get a job?

A -Senior Official from MINEMA– The job market is open for competition and a refugee has the right to work.

Q Are urban refugees entitled to health insurance –

A Senior Official from MINEMA they have to enrol in health insurance and UNHCR pay for that. Refugees themselves don't pay.

The programme you have discussed, how do you decide who is eligible?

A Senior Official from MINEMA [2] - Everyone in the urban areas is eligible to this support. The advisors (NGOs) are approaching the communities. We have a 'right to work campaign' by MINEMA and refugees in urban areas have the conditions of the programme explained. Conditions to enter the scheme are:

- Either the refugee can apply for financial support for their own business or a business in the host communities must employ refugees to be eligible.
- They have to work with the financial institutions.

Q - Any job?

A – Senior Official from MINEMA - Yes everyone is considered, but they have to fulfil the financial institution conditions. If the jobs to be provided to refugees are sustainable jobs then govt don't object.

Q - If someone can't sustain themselves, they go to camp. If RWA citizen cannot support themselves what happens?

A – Colonel and Special Adviser on Immigration - it is the responsibility of the local authority to care for the most vulnerable. The government has housing projects, offer jobs. Various systems to provide for those who cannot support themselves.

Q Do you have anything similar to humanitarian protection?

When you analyse a case you look at all the reasons including safety on return.

How many cases are considered in a typical RSDC meeting? DGIE unable to provide that information at present **How frequently do meetings take place?** 2 x per quarter, unless need to meet more frequently.

What information do the committee receive to help them make their decision? General background country information? Specific documents from claimants' files? Legal submissions? The committee receive the initial written application from the claimant. The claimant then attends a meeting with DGIE during which the basis of claim is obtained from the claimant. The DGIE then pulls together a summary of the case, which is passed to the Eligibility Officer (EO). The EO may speak to the claimant again to obtain more information, if there are gaps in the information provided by DGIE. All the information is placed in a file and passed to the RSD committee to consider

Do claimants have access to interpreters/translators? Claimants are able to arrange their own interpreters to attend the meetings with DGIE, the EO, and the RSDC if required. Interpreters are not provided. However, most claimants speak either English, Kinyarwanda or Swahili or French, therefore there is no need for them to arrange an interpreter. If the claimant speaks another language (Arabic given as an example) they are free to arrange their own interpreters.

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A2. Home Office meeting with GoR (MINEMA), 22 March 2022

Summary of responses provided by the Eligibility Officer

Do you hold individual casefiles for each claimant and their dependants?

Information relates to the principal applicant. However, the file contains information on all dependants linked to the claim.

End-to-end paperwork: the EO showed the HO team examples of documents taken from case files and stated they were:

- a written application for asylum;
- a DGIE summary of a case;
- a decision outcome: Dated 8th June 2020;
- a written appeal to the Minister of Immigration: Dated 1st July 2020;
- a ministerial appeal outcome: Dated 3rd August 2020;
- a temporary residence permit; and
- a refugee identity card.

Due to privacy concerns, timing, language barriers and the scope of experience of the MINEMA official, the HO team were unable to obtain further detail from the source on the substance of the documents.

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A3. Home Office meeting with GoR (DGIE and MINEMA), 22 March 2022

When is it possible for a person to work like a Rwandan national?

There is a difference between jobseeker visa and work permit. An asylum seeker can apply for jobseeker visa if they have a passport and they have a job offer. Asylum seeker cannot apply for a visa unless they have police clearance. Once granted refugee status, they can work. Otherwise asylum seeker cannot work.

Is it only UNHCR that provides interpreters?

DGIE don't need a lot of interpreters, so they are normally provided by UNHCR. They have experience and they supply services (also applicable to legal assistance). If a relative can interpret for the person they are invited to come to the Committee, for example Swahili interpreters. It's more difficult for example if Arabic is needed.

In addition to the reasons provided by the person, does the RSD Committee look at independent information such as country of origin information (COI)?

The committee is not obligated to decide the case at the first sitting. They might need further information from other sources – or from the applicant and they can invite any other person to give extra information. If DGIE feel they've missed some information, they can request a further meeting with the individual. There is no limit on number of meetings. The Committee see the person's claim letter and case file taken from (2nd) DGIE meeting.

For example, the minister of foreign affairs (Minaffet) use information from his own Ministry/foreign offices to verify the information the applicant has given. But the Committee doesn't always rely on independent information.

How does the Committee make decisions?

By consensus, usually everyone agrees. Once the decision is made the EO notifies the applicant in writing/ by phone/ in person and of timescales to appeal. If the applicant is not satisfied with the decision, they can appeal.

If rejected are reasons given?

No details relating to each & every piece of information given by the applicant are given. No, it's not a very detailed explanation.

If someone appeals to the minister, what is required at point of appeal?

The appellant has to come up with more credible evidence in order to substantiate their claim, they will have been told that what you gave the committee wasn't clear. They may even have an idea where the gaps [in evidence] were.

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A4. GoR response to written questions submitted by UKHO, returned 11 December 2023

- 1. Can you provide statistics to show the number of individual cases which have been considered by the RSDC over the period 2019 to 30 November 2023, including nationality of claimants?**

Table 1: Refugee Status Determination Committee statistics by year and

YEAR	2019		2020		2021		2022		2023/30 th November		TOTAL	
	GRANT	REJECT	GRANT	REJECT	GRANT	REJECT	GRANT	REJECT	GRANT	REJECT	GRANT	REJECT
DRC	1	6	0	25	0	9	10	14	6	73	17	127
BURUNDI	4	0	0	0	21	1	16	81	10	35	51	117
SOUTH SUDAN	4	0	1	5	0	0	1	0	0	0	6	5
CAMEROON	0	1	0	4	0	0	0	1	0	1	0	7
KENYA	0	0	0	0	0	1	0	0	0	2	0	3
CAR	1	0	0	0	1	0	1	0	0	1	3	1
AFGANISTAN	0	0	0	1	0	0	1	1	4	1	5	3
C BRAZZA	0	0	0	1	0	0	2	0	0	0	2	1
ERITREA	0	0	2	4	4	5	0	5	4	1	10	15
SUDAN	0	0	0	3	0	2	0	1	1	11	1	17
ETHIOPIA	0	0	0	1	0	0	6	1	10	1	16	3
SYRIA	0	0	0	1	0	0	0	0	0	0	0	1
LEBANON	0	0	0	1	0	0	0	0	0	0	0	1
PALESTINE	0	0	0	0	1	0	0	0	0	0	1	0
NIGERIA	0	0	0	0	0	0	0	2	0	2	0	4
YEMEN	0	0	0	0	0	0	0	2	0	0	0	2
EGYPT	0	0	0	0	0	0	1	0	0	0	1	0
UGANDA	0	0	0	0	0	0	0	0	0	1	0	1
TOTAL	10	7	3	46	27	18	39	108	35	129	113	308

nationality

These statistics have been provided by MINEMA in December 2023 and are the most accurate and up-to-date statistics available.

To note: the data relates to the number of cases, not the number of individual claimants. The RSDC considers an application by one family as one case.

2. In relation to Table 1: How many claims based on LGBTI status did the RSDC receive between 2019 and 30 November 2023? Please provide the number of LGBTI-based claims per year and their outcome (grant of asylum/ refusal/ other).

Only one case of a refugee application based solely on LGBTQ status has been received by the RSDC. A transgender claimant was granted refugee status in April 2022.

[Since April 2022] There was a case of 4 claimants, that was received. This includes 2 Kenyans and 1 Nigerian who were offered an opportunity to conduct interviews on 17th Feb 2023 but left the country before the conduct of the interview at RSD. One (1) other claimant (Ugandan) was denied asylum because after applying for refugee status, he used to cross many regional countries including his own country.

3. Can you provide information on the availability of lawyers able to advise and represent asylum seekers?

As of now [11 December 2023] the RBA is counting 1318 Senior advocates and 360 Intern Advocates. All of them are able to advise /represent asylum seekers. Only members of Rwanda Bar Association are allowed to represent/ advise asylum seekers. This includes members of local NGOs such as LAF and Prison Fellowship.

4. Can you provide information on the number of persons involved in the RSD process and other bodies who have completed training on refugee law and RSD procedures? Please provide details of who delivered the training, the content covered in the training, and the date(s) the training occurred.

- The Ministry of Justice has an agreement with the ILPD to offer training/courses on international and national Asylum/Refugee law. Previously, UNHCR provided training on international refugee law and asylum processes in 2018 and 2021.
- 104 staff from different institutions including judges, advocates, eligibility officers from DGIE and MINEMA officials and RSDC committee members and the MEDP Coordination Unit have been trained in line with the implementation of the MEDP.
- 104 staff from different institutions were trained in line with the implementation of the MEDP- CU, the later [sic] includes 28 staff for the September [2023] cohort and 76 of the November 2023 cohort.

Table 2: Number of individuals trained in line with the implementation of the MEDP

Institution	Number trained	Content Covered	Trainer
Cohort of 18th to 22nd September,2023			
DGIE	9	Training manual on asylum process	ILPD
MINEMA (inc Eligibility Officers and RSDC members)	5		
MEDP Coordination Unit	5		
Refugee Welfare Committee	0		
NGOs [including Legal Aid Forum, Prison Fellowship, Lawyers of Hope, Haguruka]	0		
Judiciary	0		
Rwandan Bar Association lawyers	9		
Other (please specify)	0		
Cohort of 20th to 24th November,2023			
DGIE	12	Upgraded Training Manual - Applying refugee law in asylum interviewing, asylum decision-making and reasoned and evidenced asylum decision-writing. -Overview of handling trauma and how it can impact an asylum seeker's ability to recount their claim in an interview.	UK Home Office technical experts and ILPD
MINEMA (inc Eligibility Officers and RSDC members)	15		
MEDP Coordination Unit	8		
NGOs	0		
Judiciary	12		
Rwandan Bar Association lawyers	18		
MINIJUST	7		
National Human Right Commission	4		

- The MEDP Coordination Unit are working with ILPD and other relevant institutions to have the relevant training materials and logs of all trained staff available by December 15th, 2023.
- UK Home Office technical experts and trainers have worked in collaboration with the ILPD to deliver a training package for persons involved in the RSD process. This training took place to a class of approximately 76 over the course of 5 days between 20 and 24 November 2023 and focused on applying refugee law in asylum interviewing, asylum decision-making and reasoned and evidenced asylum decision-writing. Training also included an overview of handling trauma and how it can impact an asylum seeker's ability to recount their claim in an interview.

5. Can you provide information on the number of appeals made to the Ministerial Appeal Board and the outcome of those appeals?

Table 3: Number of appeals considered by the Minister in 2022 and 2023 (part year)

	Appeals lodged	Appeals rejected	Appeals resulting in grant of refugee status
January 2022	4	4	0
February 2022	0	0	0
March 2022	0	0	0
April 2022	16	16	0
May 2022	6	1	5
June 2022	0	0	0
July 2022	9	5	4
August 2022	6	6	0
Sept 2022	5	5	0
October 2022	3	3	0
November 2022	2	2	0
December 2022	2	2	0
January 2023	0	0	0
February 2023	7	6	1
March 2023	9	9	0
April 2023	10	10	0
May 2023	11	11	0
June 2023	0	0	0
July 2023	0	0	0
August 2023	22	19	3
September 2023	0	0	0
October 2023	0	0	0
November 2023	13	5	8
Total	125	104	21

6. Can you provide information on the number of appeals made to the High Court and the outcome of those appeals?

Table 4: Number of appeals to the High Court in 2022 and 2023 (part year)

	Appeals lodged	Appeals rejected	Appeals granted refugee status	Pending
2022	0	0	0	0
2023 (January to November)	1	0	1	8

The eight (8) pending cases, three (3) are in High Court Nyanza and 5 in High Court Rwamagana.

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A5. GoR, Refugee Status Determination Committee, Standard Operating Procedures, May 2023

REPUBLIC OF RWANDA



NATIONAL REFUGEE STATUS DETERMINATION COMMITTEE (RSDC)

REFUGEE STATUS DETERMINATION STANDARD OPERATING PROCEDURES

Kigali, May, 2023

1. BACKGROUND

The Refugee Status Determination Committee (‘ RSDC’) is established by Article 3 of the Law NO 13 ter/2014 of 21/05/2014 Law relating to refugees

The RSDC exercises their functions and take decisions in accordance with national and international laws, including the Refugee Convention.

1.1. Responsibilities of the Refugee Status Determination Committee

The RSDC has the following responsibilities:

1. To consider and make impartial decisions on asylum and humanitarian protection claims applications made by those applying for refugee status or humanitarian protection in Rwanda, in accordance with national laws, the Refugee Convention, and humanitarian protection law;
2. To revoke refugee status in accordance with the provisions of the Law Relating to Refugees and in accordance with the Refugee Convention;
3. To submit to the Minister an activity program and report each year and whenever necessary.

1.2. Composition of Refugee Status Determination Committee

Members of the RSDC come from the following entities:

1. Prime Minister's Office;
2. The Ministry in charge of refugees;
3. The Ministry in charge of foreign affairs;
4. The Ministry in charge of local government;
5. The Ministry in charge of justice;
6. The Ministry in charge of defense;
7. The Ministry in charge of natural resources;
8. The Ministry in charge of internal security;
9. The Ministry in charge of health;
10. The National Intelligence and Security Service;
11. The National Human Rights Commission.

Members of the RSDC are appropriately trained to take decisions on asylum and humanitarian protection claims, in accordance with the Refugee Convention and humanitarian protection law.

1.3. Bureau of the committee

The Bureau of the Committee is composed of:

- A. Chairperson;
- B. Vice-Chairperson;
- C. Secretary

The Committee is supported by the RSDC secretariat function. The role and responsibilities include:

- a) To contact the applicant to invite them to interview, informing them of their rights to an interpreter and legal assistance;
- b) To collate information related to an applicant's asylum claim including DGIE's initial case summary and share with the RSDC for consideration;
- c) To record meetings of the RSDC and interviews conducted by RSDC;
- d) To provide the applicant with a copy of the transcript of their interview;
- e) Where appropriate, to contact the applicant requesting further information or documentation and to collate and share that information with the RSDC;
- f) To prepare Notification letters setting out the decision of the RSDC, with reasons;
- g) To contact the applicant to attend the RSDC to collect their Notification Letter and receive a decision on their application for refugee status; and
- h) To explain to the applicant next steps and their appeal rights (with an interpreter present, as necessary).

1.4. Election of the committee

Members of the Committee, in the first meeting of the Committee, elect among themselves the Chairperson and the Vice Chairperson and are elected for a term of two (2) years renewable. The Secretary of the Committee comes from the Ministry in charge of refugees.

1.5. RSDC meetings

RSDC meetings are held at least twice quarterly, or when necessary, for the purposes of refugee status determination.

1.5.1. The first meeting of the committee

The first meeting of the committee is convened and chaired by the Minister in charge of refugees.

1.5.2. Meetings of the committee

The meetings of the Committee for the purpose of refugee status determination are convened and chaired by its chairperson or Vice Chairperson in case of absence of the President. In case the President and the Vice President are absent, the meetings of the Committee may be convened at the request of one third (1/3) of its members.

In such cases, the meeting is convened by the Secretary and chaired by the most senior member. It is held if two thirds (2/3) of its members are present.

If the Committee fails to hold its meeting due to lack of required quorum, the meeting is reconvened within fifteen days (15) and the meeting is held regardless of the number of the members present.

The Committee may invite in its meetings (including interviews) the agency of United Nations for Refugees in Rwanda, or any other person or organ from whom or which it may seek advice on certain issues on the agenda. The invitee may give his/her opinion but shall not be allowed to vote.

2. REFUGEE STATUS DETERMINATION PROCESS

2.1. Initial stages

- a. The DGIE submits the interview transcript, files, and case summary to the RDSC, for a refugee status determination decision, within fifteen (15) days from the registration.
- b. The RSDC meet to consider and analyze the application for refugee status thereon within forty-five (45) days.
- c. The RSDC can decide to grant asylum where it is satisfied, to a reasonable degree of likelihood, that:
 - i. The applicant has a well-founded fear of persecution for reasons of race; religion; nationality; membership of a particular social group; or political opinion; AND
 - ii. owing to such fear is unable to avail himself/herself of the protection of that country.

- iii. OR owing to an external aggression, occupation, foreign domination or events seriously disturbing public order in either part or in the whole of his/her country of origin or nationality, he/she was compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality.
- d. The committee can request that the applicant provide further documents/evidence if available. This may include a further interview conducted by the RSDC, if required. Where relevant, interviews conducted will have regard to information relating to any special needs the applicant may have and will take all necessary steps to ensure these needs are accommodated.
- e. Where the RSDC requests, the interview may be carried out by the RSDC secretariat on behalf of the Committee before referring to the RSDC for a decision.
- f. Where the RSDC's initial assessment of a claim suggests that it may be refused, the RSDC calls the applicant to interview to provide the applicant with a further opportunity to address further questions or provide further information (see further below). If the RSDC decide to ask for further evidence or if the applicant requests additional time in which to submit information, the applicant should be given a reasonable amount of time in which to provide it.
- g. Where the RSDC conducts an interview, it should be transcribed or electronically recorded and a copy of the interview transcript may be provided to the applicant for review and, if necessary, correct the transcript. Where the applicant has legal assistance, a copy should be provided for the legal assistant. The applicant has the assistance of an interpreter, free of charge, if needed for understanding.
- h. If, following an interview, the RSDC is still not satisfied to a reasonable degree of likelihood that:
 - i. the applicant has a well-founded fear of persecution for reasons of race; religion; nationality; membership of a particular social group; or political opinion; AND
 - ii. owing to such fear is unable to avail himself/herself of the protection of that country.
 - iii. OR owing to an external aggression, occupation, foreign domination or events seriously disturbing public order in either part or in the whole of his/her country of origin or nationality, he/she was compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality

RSDC shall consider, whether or not a claim is formally made, whether the applicant has another humanitarian protection need such that return to their country of origin would

result in a real risk of their being subject to inhuman, degrading treatment or torture, or a real risk to their life.

2.2. Interview in RSD process

2.2.1. Scheduling an interview

Upon receiving the application, the RSDC Chairperson may organize and schedule an interview after consultation with RSDC members. This interview is conducted to gather detailed information about the applicant's background and reasons for seeking asylum.

Where the RSDC is minded to refuse an application, the RSDC shall provide the applicant with the opportunity to attend an interview, to explain their application in person, and answer any questions the RSDC may have. All members of the RSDC are invited through a written letter or an email.

The applicant shall be notified five days in advance about the date, time, and location of the interview, and is reminded the day before. The applicant will be provided with information about her/his rights, legal assistance, interpretation, and any documentation she/he should bring to support her/his claim. Prior to the interview, protection staff from the Ministry in charge of refugee will ensure that the applicant has access to counselling or legal assistance to understand the process, gather relevant documents or evidence, and prepare her/his case.

2.2.2. Preparing the interview

The interview is conducted in a private, quiet, and confidential room of the public institution premises. The interview is conducted under conditions which allow the applicant to present the grounds for their application in a comprehensive manner.

The person who conducts the interview is appropriately trained to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, sexual orientation, gender identity, or vulnerability.

The applicant is permitted to seek legal advice or other counsel at all stages of the asylum application process, from a Bar Association lawyer [or a non-governmental or multilateral organisation] providing that support, free of charge. A legal counsel is able to attend the interview, and may assist and advise the applicant if the applicant so wishes.

Wherever possible the interview is conducted by a person of the same sex if the applicant so requests, unless there is reason to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present her/his application in a comprehensive manner.

The interview is, if necessary, conducted in the presence of an interpreter who is able to ensure appropriate communication between the applicant and the person(s) who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly.

Where the applicant is a child, the child is accompanied by a responsible adult and the interview is carried out by an interviewer specifically trained in interviewing children and any other reasonable steps are taken to ensure the safety and welfare of the child.

During the interview, the applicant is entitled to counselling and confidentiality on sensitive situation such as rape.

2.2.3. Conducting the interview

The chair of the meeting shall begin by welcoming the applicant and will explain to the applicant the RSDC's mandate. All of the members of the RSDC will introduce themselves. The applicant shall be asked to provide background information so that the RSDC can confirm the applicant's identity. The applicant may be required to provide relevant documents, such as passports or identity cards if available.

The primary objective of the interview is to obtain sufficient and reliable information in order to make an objective determination on whether a person falls within the refugee or humanitarian protection definition. Where relevant, the applicant is given the opportunity to address any concerns relating to her/his application.

After introductions, the applicant is given an opportunity to establish her/his case including personal story, explaining the reason why she/he left the country of origin and why she/he is seeking refugee status in Rwanda.

The RSDC may ask questions to support the applicant to present their case and obtain information to enable the RSDC to make a decision. The applicant may describe the circumstances that led to displacement and any persecution or fear of persecution they have experienced. The applicant provides a detailed account of her/his experiences, including specific events, dates, locations, and individuals involved.

The applicant may be asked to provide supporting evidence, such as documents, photographs, medical records, to substantiate her/his claims.

After giving sufficient time to the applicant to explain the reason why she/he left her/his country of origin and seeking asylum, the RSDC members ask questions depending on the applicant claims and statements to seek for clarification or additional details about her/his claims. Those open questions aim to examine and assess the credibility, consistency, and plausibility of the applicant's statements as well as the supporting evidence provided based on the criteria outlined in national and international refugee law.

The interview is recorded through written notes to maintain the applicants' statements. The applicant is given the opportunity to review and, if necessary, correct the transcript,

and shall have the assistance of an interpreter, free of charge, if needed for understanding.

A copy of any transcript of the interview by the RSDC is provided to the applicant as soon as possible. After hearing and recording the applicants' statements, the Chairperson will thank the applicant and inform them of the soonest notification of the RSDC's decision. After the RSDC interview, the applicant has a reasonable time to provide further documents if they wish or if requested to do so by the RSDC.

2.3. Documentation, verification and Country of Origin Information (COI)

The RSDC reviews the applicant's documentation such as identity papers, travel documents, and any other relevant evidence to conduct background checks and verify the information provided during the interview.

The RSDC obtains up-to-date and accurate information as to the general situation prevailing in the applicant's country of origin, to evaluate the situation in the applicant's home country and the level of risk they face if returned.

Discrepancies or contradictions in the applicant's story could raise concerns about the credibility of the information provided. Inconsistencies may be put to the applicant in interview so that they have an opportunity to provide an explanation. Inconsistencies may not negatively impact the decision where an applicant has not had such an opportunity to explain. Additionally, the RSDC evaluates whether the claims align with the known political, social, and cultural context of the applicant's country of origin.

A part of the facts verification can be done during the interview. The RSDC takes time to cross check data and information using open sources, existing documentation, and available data and information.

The RSD Committee assesses the applicant's claim solely on the basis of the evidence before them and solely by reference to the provisions and principles of the Refugee Convention and its 1967 Protocol, and humanitarian protection law.

2.4. Responsibility of proof and the standard of proof

The responsibility of proof is shared with the interviewer who must ask questions to give the appellant the opportunity to present their case and prove that he/she has a well-founded fear of persecution as to enable the RSDC to make appropriate decision.

The standard of proof in asylum claims is a reasonable degree of likelihood, or whether something is reasonably likely to have occurred. The material facts of an asylum claim

must not be considered in isolation. Evidence should be considered in the round (rejection of one fact does not automatically lead to rejection of other material facts, even if they are linked).

A person is eligible for asylum, if:

the applicant has a well-founded fear of persecution for reasons of:

- i. Race;
- ii. Religion;
- iii. Nationality; or
- iv. Membership of a particular social group or political opinion; and

Owing to such fear, he/she is unable to avail himself/herself of the protection of that country.

Owing to an external aggression, occupation, foreign domination or events seriously disturbing public order in either part or in the whole of his/her country of origin or nationality, he/she was compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality.

A person is ineligible for refugee status, if:

There is strong evidence indicating that:

1. he/she has committed a crime against peace, war crime, crime of genocide and other crimes against humanity as defined by international conventions ratified by Rwanda;
2. he/she has committed acts contrary to the main purposes and principles of the United Nations Refugee Convention (1951) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969).
3. He/she is prosecuted for any felony other than a political crime or one for being a member of a particular social group before he/she takes refuge in Rwanda. The definition of 'felony' is provided by Article 17 of the Rwandan Penal Code, Law N°68/2018 OF 30/08/2018 Determining Offences and Penalties in General, which states that a felony is: an offence punishable under the law by a principal penalty of imprisonment for a term of more than five (5) years or by life imprisonment.

Article 1F of the Refugee Convention (or OUA equivalent article) is an exclusion clause and therefore an individual is not considered a refugee where there are serious reasons to consider that they have committed certain serious crimes and they are avoiding being brought to international or national justice to be held to account for their actions.

The question of whether or not an applicant can be excluded from the protection of the Refugee Convention is part of the refugee status determination process. If, after considering the facts of the case in accordance with this guidance, there are serious

reasons for considering that the applicant has committed a crime or act contrary to Article 1F, asylum must be refused.

Reasons for exclusion must relate to the most relevant clause 1F(a), (b), or (c), but it is possible for more than one clause to apply, for example, those who engage in certain acts of terrorism should be considered for exclusion under Article 1F(b) as well as 1F(c).

2.5. DECISION OF THE COMMITTEE AND NOTIFICATION

- a. Based on the information gathered, interviews conducted, and on the legal criteria, the RSDC makes a decision on the applicant's asylum and/or humanitarian protection claim which can be granted or denied.
- b. The RSDC makes decisions, solely on the basis of evidence and solely by reference to the provisions and principles of the Refugee Convention and humanitarian protection law.
- c. Decisions of the Committee are made by consensus. If the consensus is not reached, decisions are made by two thirds (2/3) of majority of the members present at the meeting. Where a consensus or two thirds majority cannot be reached, the Chairperson is able to take the decision.
- d. The Chairperson of the RSDC gives the applicant a written notice of the decision on his/her application within ten (10) days from the date the decision is made. Relevant entities are also informed of the RSDC's decision, including:
 - i. The Ministry in charge of Refugees,
 - ii. the Directorate General of Immigration and Emigration,
 - iii. UNHCR.
- e. The decision is in one of the official languages of Rwanda and, if needed for understanding, may be translated in writing by an interpreter into a language the applicant understands without charge.
- f. The decision includes the detailed reasons for the decision in both fact and law.
- g. If the decision is to refuse the applicant's claim, the decision is notifying the applicant that they have a right to appeal the decision and provide an explanation of how to do this.
- h. If the applicant is refused asylum, the RSDC shall consider, whether or not a claim is formally made, whether the applicant has another humanitarian protection need such that return to their country of origin would result in a real risk of their being subject to inhuman, degrading treatment or torture, or a real risk to their life. The procedure for considering and determining humanitarian protection claims shall be the same as the above.

- i. If the decision is to grant refugee status or humanitarian protection, the applicant is entitled to various rights and protections under domestic law, such as legal residency, access to healthcare, education and refugee identification documents.
- j. If the applicant does not wish to appeal the decision to refuse refugee status or humanitarian protection the/she is considered for another status.
- k. An applicant has the opportunity to make a fresh asylum or humanitarian protection claim, where an earlier claim has been refused, in the event that:
 - (a) they have new evidence that was not previously considered by the RSDC; or
 - (b) their personal circumstances have changed in a material way or the circumstances in their country of origin have changed, such that they have new grounds for seeking protection in respect of their country of origin.

2.6. Revocation of refugee status

- a. Refugee status is revoked when it subsequently appears that it was granted contrary to the provisions of Articles 7 and 14 of the Law N O 13 ter/ 2014 of 21/05/2014 Law relating to refugees.
- b. A person granted the refugee status including on a prima facie basis may have his/her status revoked by the Refugee Status Determination Committee for reasons of
 - Territorial integrity
 - Security of the nation
- c. Upon receiving the request for revocation of refugee status of a refugee submitted by DGIE or MINEMA, the RSDC must invite the refugee to interview so that they are given the opportunity to provide supporting evidence. She/he will be provided with information about her/his rights to legal representation and to an interpreter, and any documentation she/he should bring to support her/his claim. The process for conducting an interview pursuant to considering revocation of refugee status is the same as set out above at 2.2.2. Conducting the interview.
- d. Once a decision is made, the individual must be informed in writing about the decision taken on revocation, following the same process as set out above at decision of the committee and notification. If the decision is to revoke refugee status, existing immigration and emigration laws, policies regulations and procedures apply in the discretion of institutions in charge. If the RSDC decide to revoke an individual's refugee status, the applicant can appeal the RSDC revocation decision first to Minister, and then the High Court.

End

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Republic of Rwanda



MINISTRY IN CHARGE OF
EMERGENCY MANAGEMENT (MINEMA)
P.O Box 4386 Kigali-Rwanda

MANUAL ON REFUGEE STATUS APPEAL PROCESS

Kigali, May 2017

MANUAL ON STEPS OF APPEAL FOR REFUGEE STATUS

1. Reference

Pursuant to article 11 no 13ter/2014 of 21/05/2014 relating to refugees stipulating that if an applicant for refugee/humanitarian protection status is not satisfied with the decision of the Refugee Status Determination Committee ('RSDC'), he/she has a right to appeal to the Minister within a period of thirty (30) days from the date he/she was notified of the decision, the following steps are followed:

2. Filing a Ministerial appeal

The applicant must file their appeal in writing to the Minister no later than 30 days after the day on which they received the written decision of the RSDC refusing their application.

The applicant will be informed of the process for making the appeal to the Minister in the letter notifying the decision of the RSDC and in person. The applicant shall submit an appeal letter addressed to the Minister providing the reasons for appeal and/or new elements and evidence if relevant. In addition, the applicant must provide a copy of the RSDC's decision. The appeal is made in writing or by email, attaching the Notification Letter, to the Central Secretariat of the Ministry in charge of Emergency Management (MINEMA) (from Monday to Friday at 9:00 Am to 5 PM if appealing by hard copy) and submitted to the Office of the Minister for further consideration. If required, MINEMA officials would be able to support an individual to file an appeal.

The minister at his/her own discretion appoints appropriate staff to handle the appeal. This involves reviewing the appeal, interviewing the appellant and submitting a report to the Minister for further consideration.

3. Ministerial Appeal case processing

Upon submission, the appointed staff will review the appellant's case, review the RSDC's decision, check the compliance to laws and procedures related to refugee status determination.

Where the Minister is minded to refuse the application, the appellant will be provided with the opportunity to attend an interview to explain their application in person and answer any questions. The appellant's legal counsel may attend the interview.

The Ministerial appeal will consider the RSDC's decision and all available information to inform their consideration as well as any further new evidence provided by the appellant.

4. Invitation of the appellant to the interview

The panel appoints a person who will be the lead point of contact with the appellant. This individual will invite the appellant to interview at the Ministry to provide details about their appeal and to provide further clarity and/or new elements not provided to RSDC. The call for interview will arrange the place, the day (date) and time of interview, and any other arrangements if relevant. MINEMA notifies the appellant by phone four days before the interview and reminds them one day before the interview. This should also remind the applicant of his/her right to an interpreter and legal counsel.

5. Conducting the interview

On the day of the appellant's interview, the members of the appeal panel meet him/her to consider the appeal. The interview must be conducted under conditions which allow the applicant to present the grounds for their application in a comprehensive manner. Where relevant, interviews conducted will have regard to information relating to any special needs the applicant may have and will take all necessary steps to ensure these needs are accommodated. In particular:

- a. the person who conducts the interview is appropriately trained to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, sexual orientation, gender identity or vulnerability;
- b. wherever possible, the interview with the applicant are conducted by a person of the same sex if the applicant so requests, unless there is reason to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner;
- c. be in the presence of an interpreter who is able to ensure appropriate communication between the applicant and the person who conducts the interview. The communication takes place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly; and
- d. where the applicant is a Child, the Child is accompanied by a responsible adult, the interview is carried out by an interviewer specifically trained in interviewing children and any other reasonable steps are taken to ensure the safety and welfare of the Child.

The appellant is permitted to seek legal advice or other counsel at all stages of the asylum application process, from a Bar Association lawyer or a non-governmental or multilateral organisation providing that support.

A legal counsel is able to attend the interview, and may assist and advise the appellant if the appellant so wishes.

The interview is conducted in the following order:

- a. The panel will welcome the appellant
- b. The panel will remind the appellant of his/her right to have a legal counsel and an interpreter in case he/she is not able to communicate using any of official language used in Rwanda. The panel will remind the appellant of the roles and responsibilities of his/her legal assistant and/or interpreter. Any legal representative engaged by appellant will have the opportunity to make oral or written submissions as appropriate before the end of the process of appeal to the Minister.
- c. The appellant shall be given sufficient time to explain in a comprehensive manner why he/she is not satisfied with the decision taken by the Refugee Status Determination Committee
- d. The panel will remind the appellant the requirements for obtaining refugee status or humanitarian protection in Rwanda
- e. The appellant shall be asked why he/she fled their country of origin and their reasons for seeking asylum/protection
- f. The appellant may be asked about the members of his/her family where appropriate
- g. After talking with the appellant, the review panel closes the hearing and informs the appellant the day he/she will receive a written reply.

6. Responsibility and the standard of proof

During the interview, the appellant has to establish that he/she has a well-founded fear of persecution. The responsibility of proof is shared with the interviewer, who must ask questions to give the appellant the opportunity to present their case and to obtain sufficient information to enable the Minister to make a decision.

The standard of proof in asylum claims is a reasonable degree of likelihood. The material facts of an asylum claim must not be considered in isolation. Evidence should be considered in the round.

7. Decision on the Ministerial appeal

After analysing the case, by consensus the Ministerial appeal panel agrees and signs on a report with recommendation to be submitted to the Minister in charge of refugees for decision. The Minister reviews recommendations made by the Ministerial appeal panel and takes a decision accordingly if they are satisfactory or request the panel to re-review the case.

Decisions are made solely on the basis of the evidence before the Minister and solely by reference to the provisions and principles of the Refugee Convention and humanitarian protection law.

8. Notifying the refugee status appellant of the decision of the Minister

The Minister gives notice to the appellant in writing of the decision that has been taken on their claim. The decision shall:

- a. be in one of the official languages of Rwanda and, if needed for understanding, it may be translated in writing by an interpreter into a language that the individual understands, free of charge;
- b. include the detailed reasons for the decision in both fact and law and
- c. if it is a decision that is to refuse the claim, the decision shall notify the appellant that they have a right to appeal the decision on their claim to the High Court and provide an explanation of how to do this within seven (7) days from the receipt of the recommendations made by the appeal panel.
- d. Copies of all documents related to the decision and sent to the applicant must be filed appropriately.

9. The right to file a case to the High Court

If a person applying for refugee status is not satisfied with the decision taken by the Minister, he/she is informed of the right to file a case to the High Court and the process for doing so. This includes a right to legal representation.

The process for appealing to the High Court is covered in a separate Standard Operating Procedure.

The Minister of MINEMA informs DGIE of the final administrative decision on an individual's application. DGIE will consider alternative immigration status if the applicant has not been granted refugee status. For those granted refugee status, DGIE will conduct formal refugee documentation.

End

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A7. GoR, Asylum Proceeding Before the Court of Law, September 2023

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE

P.O. BOX 160 KIGALI

E-mail: info@minijust.gov.rw

ASYLUM PROCEEDING BEFORE THE COURT OF LAW

1. Competent court¹

The High Court has jurisdiction to adjudicate cases relating to the applications for Refugee Status and Humanitarian Protection on the basis of fact or law.

2. Filing case to Court²

A claimant him/herself, his/her counsel or representative files a claim by making written submissions to the court through the Integrated Electronic Case Management System ([IECMS](#)). Individuals who require additional support to file a case would be supported by his/her counsel.

Majority of Cyber Cafe Operators across the Country are trained and certified to assist anyone on use of IECMS including filing a case to court and following it up through the IECMS. The Ministry of Justice periodically monitors their work, especially on harmonization of their services' cost.³

3. Filing fees

Deposit court fees charged for administrative matters before the High Court are forty thousand Rwandan Francs (40,000 FRW). This fee may be waived in accordance with applicable law.

4. Grounds for refusal of registration of a claim

The court registrar cannot register an appeal if the claimant files a claim without having exhausted the preceding stages of the refugee status determination process and administrative appeal thereto and if the time limit and any extensions granted was not respected.

5. Documents to be submitted

The submission of the asylum claim encloses the copy of the RSDC decision as well as the decision of the Minister on appeal and any other documents the applicant wishes to submit as evidence

6. Time limit

¹ Law N°30/2018 of 02/06/2018 Determining The Jurisdiction Of Courts

² Law N° 22/2018 of 29/04/2018 relating to the civil, commercial, labour and administrative procedure.

³ Ministerial Instructions N°002/INSTR/MOJ/AG/20 of 30/09/2020 relating to services provided by a person authorized to assist the public in the use of Integrated Electronic Case Management System.

An applicant who is not satisfied with the decision in respect of the appeal to the Minister has a period of six (6) months to file an appeal to the Court. The 6 months runs from the date when the applicant received the Minister's decision on appeal.

An appeal filed outside this time limit may be allowed by the court if adequate reasons for late filing are provided by the applicant. These are considered on an individual basis.

7. Language of the court

The language of the court is Kinyarwanda. However, the court may decide to conduct the hearing in any other official language of Rwanda. A party may plead in another language he/she understands well by using an interpreter. An interpreter may also support an individual to file a case and/or understand the proceedings of the Court.

In any case, the written submissions to be filed to the court are in Kinyarwanda. Other supporting documents do not need to be in Kinyarwanda and may be translated.

8. Hearing conducted in public or camera

The hearing of a case is conducted in public. However, if the court, upon its own motion or upon application by both parties or any of them, believes that the hearing conducted in public may disrupt public order or good morals or if it is against people's right to privacy, it may decide that the hearing be conducted in camera and the explanation thereof is given.

The camera does not apply to parties' counsels in proceedings.

In all cases, a judgement is pronounced in public, otherwise it becomes null.

9. Time limit for deciding a case

Any case referred to the court must be decided within six (6) months from the date the claim is made to the court.

10. Judgement

Judgement must be motivated in points of both facts and law.

The judgement contains the following:

1° the number of the judgment;

2° the court having delivered it, the place and date of pronouncement;

- 3° full identities of parties;
- 4° the subject-matter;
- 5° the nature of the judgment;
- 6° the list of legal issues of the case;
- 7° the analysis of each legal problem with the position of each party and the decision of the court based on facts and law;
- 8° the court decision;
- 9° date and place of pronouncement;
- 10° the name or names of the judges having rendered it and court registrar;
- 11° indication that the judgment has been rendered and pronounced in public;
- 12° the reasons for delay in the pronouncement if not pronounced within the period which had been notified to parties.

11. Legal Representation

A claimant has a right to legal representation at all stages of the proceedings. Legal Representatives may consult with and advise the applicant, and may make representations and submissions on behalf of the applicant to the court.

End

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A8. GoR, Asylum and Humanitarian Protection Processing, Standard Operating Procedures, May 2023

ASYLUM AND HUMANITARIAN PROTECTION PROCESSING STANDARD OPERATING PROCEDURES

1. Introduction

This document on Asylum and Humanitarian Protection Processing Standard Operating Procedures outlines the steps to be followed while processing applications for asylum and the rights of the applicant.

2. How to apply for asylum

The individual must:

- i) Be on Rwandan territory
- ii) Submit written application for asylum or humanitarian protection to Directorate General of Immigration and Emigration (DGIE).

3. Asylum process

- i) **Application for asylum/or humanitarian protection:** An individual may present to any border, police or other Government of Rwanda official to request asylum and/or humanitarian protection. The relevant official must refer the individual to apply for asylum and/or humanitarian protection at the DGIE by providing written reasons for why they are seeking asylum and/or humanitarian protection. DGIE immediately registers the application and informs the applicant, in a language that he/she understands, the subsequent steps and what the individual shall be required to do throughout the process.
- ii) **Temporary Residence Permit.** After registration, the applicant is issued with a temporary residence permit valid for 3 months (which is renewable). In the event that an initial temporary residence permit expires, and the applicant is still waiting for a decision on the claim or appealing a decision on their claim, they will be issued with a new temporary residence permit, valid for 3 months (renewable once). Thereafter an interview with the applicant is scheduled. The Immigration Officer informs the applicant of their rights to an interpreter, legal assistance and how to access such services.

- iii) **Interview:** The Immigration Officer schedules an interview with the applicant and the interview is transcribed in full. The applicant is given the opportunity to review and, if necessary, correct the transcript.
- iv) DGIE submits to the RSDC the interview reports together with other relevant documents provided by the applicant within fifteen (15) days from the date of interview.
- v) **NB** The case summary is not a decision on refugee status, and does not recommend a particular decision on refugee status or seek in any way to influence the decision making of the RSDC.

- vi) Interviews are conducted under conditions which allow the individual to present the grounds of their application in a comprehensive manner. In particular:
 - a) trained interviewer takes into account the personal and general circumstances surrounding the application, including the applicant's cultural origin, sexual orientation, gender identity or vulnerability;
 - b) the interview is conducted by a person of the same sex as may be deemed necessary by the interviewer or upon request by the applicant.
 - c) The interview is conducted in the presence of an interpreter who is able to ensure appropriate communication between the individual and the person who conducts the interview. The communication takes place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly; and
 - d) where the individual is a Child, the Child is accompanied to the interview by a responsible adult. The interview is carried out by an interviewer specifically trained in interviewing children and any other reasonable steps are taken to ensure the safety and welfare of the Child.

4. Interpretation and legal services

The applicant is permitted to seek legal advice or other counsel at all stages of the asylum application process, from a Bar Association lawyer or a non-governmental or multilateral organisation providing that support.

Legal assistant attends with an applicant and may assist and advise them throughout any interview conducted by an immigration officer. The counsel assists the applicant to make written submissions, at any stage of the process, for consideration by the responsible organ.

If an applicant requires it at any stage of the decision making process, an interpreter is provided. Interpreters are able to attend and assist the applicant if required. All written correspondence and information that an applicant receives concerning their claim and the asylum process is translated by an appropriate

interpreter, free of charge, if they require it to understand. An applicant has the opportunity to consider a written transcript of their interview with the assistance of an interpreter, free of charge, if needed for understanding.

End.

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A9. GoR, Asylum interview template, May 2023

REPUBLIC OF RWANDA



DIRECTORATE GENERAL OF
IMMIGRATION AND EMIGRATION
P.O Box 6229 Kigali

ASYLUM INTERVIEW TEMPLATE

A. Preparation for interview

- 1 Immigration officer reads the asylum claim file, including the registration form, written reasons for seeking asylum, and supporting evidence (if any) and collects all information relevant to the application.
- 2 The immigration officer contacts the applicant and schedules a convenient date for the interview. Where relevant, the applicant will be informed through an interpreter.
- 3 The applicant is asked if he/she will attend the interview together with an interpreter and/or a legal counsel.

B. Interview

1. In the interview room, the immigration officer welcomes the applicant to the interview. The interviewer introduces himself/herself and explains to the interviewee the purpose of the interview. Thereafter, the interview proceeds.
2. The interviewer should ask questions to establish the nationality of the applicant. Where appropriate, questions should focus on local geography, media, transport, etc. E.g.:
 - a. Where were you born?
 - b. Where did you go to school?
 - c. Can you name any local landmarks/towns? How would you travel there from home?
 - d. (Interviewer to ask further questions as appropriate)
3. How did you exit your home country? Explain means and routes used.
4. Were you trafficked/smuggled during your journey from your country of origin? If yes, explain

5. Which countries did you transit before entering Rwanda?
6. Did you apply for asylum in any other country?
7. Did yourself or a family member face any persecution before leaving your home country? If yes, explain.
8. What do you fear will happen to you if you return to your country of origin?
9. Do you fear the general country situation in your home country?
10. Who do you fear in your home country?
11. Why do you fear them?
12. Do you have any other fears if you return to your country of origin?
13. Why did you choose Rwanda to be your country of asylum (if relevant)?
14. Before departure, did you try to relocate to a different safe part of your home country?
15. Did you try to seek protection from the authorities in your home country? If not, why not?
16. If you did seek protection from the authorities, what happened?
17. Do you have family members/relatives who are refugees in Rwanda or elsewhere? If yes specify ---
18. Have you ever been forced to commit acts of violence? If yes, which acts?
19. Have you ever been arrested for any crime? If yes, explain ---
20. Have you ever been sentenced by any court? If yes, for which crime?
21. Have you ever stayed in any other country of East African Community Region (EAC)? If yes, which country/countries and for how long?
22. Do you have relatives living in Rwanda? If yes, provide the details.
23. You may provide additional information and supporting documents, if any

NB. Given above, are some of the basic questions that may be asked during the interview, some of which might be elaborated by follow up questions depending on the responses/information provided by the interviewee. The interviewer may be guided by this template or decide to ask other questions based on initial story put in the application or otherwise. A second interview may also be scheduled at a later date if deemed necessary.

Interviewing officer must also consider the claim of the applicant and ask questions based on the presented claim. The interviewer should seek for the applicant to explain than leading questions.

Names and Signature of the Asylum Applicant:

Names and Signature of the interpreter (if present).....

Names and Signature of other attending parties (if present).....

Names and Signature of the Immigration Officer:

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A10. GoR, Asylum seeker registration form, May 2023

REPUBLIC OF RWANDA



**DIRECTORATE GENERAL OF
IMMIGRATION AND EMIGRATION
P.O Box 6229 Kigali**

ASYLUM SEEKER REGISTRATION FORM

- 1 Surname:
- 2 Given name:
- 3 Other names used
- 4 Tel:
- 5 Email:
- 6 Sex:
- 7 Nationality:other nationality:
- 8 Religion:
- 9 Date of birth:
- 10 Place of birth: Town..... City.....District.....
- 11 Marital Status: Married ...Widower/Widow...Single...Divorced....
- 12 Name of spouse: Nationality of spouse.....
- 13 Father's names:Current address.....Tel... Email....
- 14 Mother's names:Current address..... Tel... Email....
- 15 Education level: Primary..... Secondary..... Tertiary.... University.....
- 16 Academic qualifications:
- 17 Languages spoken:
- 18 Previous occupation:Employer.....
- 19 Victim of trafficking or modern slavery?
 - a. If so, what further support do you wish to receive?
- 20 Any medical conditions (including physical or mental conditions) or vulnerabilities?

- 21 If so, do you need any reasonable adjustments?
- 22 Period of departure from your home country
.....
- 23 Countries of transit before you arrived in Rwanda.
(i).....duration.....
(ii).....duration.....
- 24 Other countries to which you applied for
asylum.....Year when you made the
application.
- 25 Were you granted status in any of these countries? If so, what status?
.....
- 26 Period of entry into Rwanda.Name the point of entry.
.....
- 27 Reasons why you chose Rwanda for your asylum (if relevant).
.....
- 28 Briefly, why are you seeking asylum? What do you fear in your country
of origin?
- 29 Would you prefer to be interviewed by a male or female officer?
.....
- 30 Names of family members accompanying you. Note this information is
optional. If you do not wish to provide details it will not impact on your
asylum application.

No.	Full names	Relationship
1.		
2.		
3.		
4.		
5.		

31 Names of family members who would join you in future.

No.	Full names	Relationship
1.		
2.		
3.		
4.		
5.		

32 Current address in Rwanda: Village: Cell:
Sector: District:Province:

33 Your information may be shared with Government of Rwanda (GoR) or any other relevant institution/international organisations and bodies. Any information shared is to enable us and other organisations to carryout functions including the prevention and detection of crime. We will not share any information if doing so will put you of your family at risk. However, we may share some of the information you have given us with them.

Date of submission:/...../.....

By signing and dating this application, I am hereby seeking asylum in the Republic of Rwanda.

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A11. GoR, Notification of RSDC decision, 6 January 2023 and 13 July 2022

REPUBLIC OF RWANDA

Kigali, 6th January 2023



**MINISTRY IN CHARGE OF EMERGENCY MANAGEMENT
REFUGEE STATUS DETERMINATION COMMITTEE
P.O.BOX: 4386- KIGALI
KIGALI**

Dear Mr. ... (...)

Case reference number:

Re: Notification of Refugee Status Determination Committee (RSCD) decision

Reference is made to the report submitted by the Directorate General of Immigration and Emigration regarding your registration as an asylum seeker and granting you a provisional residence permit.

The Refugee Status Determination Committee acknowledge its receipt, and your file was analyzed comprehensively again in the meeting of 2nd December 2022 and based on the Law no13ter/2014 of 21/05/2014 relating to refugees in its article 7 providing requirements for obtaining asylum.

We are pleased to inform you that you are granted a **Refugee Status** because the Refugee Status Determination Committee accept that you are in need of international protection in accordance with our obligations under domestic and international law.

You are requested to report to the Ministry in Charge of Emergency Management (MINEMA) with your old certificate in order to obtain the appropriate documents at DATE/TIME.

Received by.....

Translated/interpreted by (if required)

On /..... /

**NYIRARUKUNDO Ignatienne
President of Refugee Status Determination Committee**

Cc:

- The Director General of Immigration and Emigration
- The UNHCR Country Representative

KIGALI



**MINISTRY IN CHARGE OF EMERGENCY MANAGEMENT
REFUGEE STATUS DETERMINATION COMMITTEE
P.O.BOX: 4386- KIGALI
KIGALI**

Dear Mrs., Burundian,

Re: Notification of Refugee Status Determination Committee (RSCD) decision

Reference is made to the report submitted by the Directorate General of Immigration and Emigration regarding your registration as an asylum seeker and granting you a provisional residence permit.

The Refugee Status Determination Committee acknowledge its receipt, and your file was analyzed comprehensively, during the interview conducted, in the meeting of 8th July 2022 and based on the Law no13ter/2014 of 21/05/2014 relating to refugees in its article 7 providing requirements for obtaining asylum.

We regret to inform you that the **Refugee Status requested was not granted**. [We do not accept that you are in need of protection because....] OR [While we accept that you have suffered from persecution in [insert Country of Origin] we consider that [Country] is able to provide you with sufficient protection and/or you are able to internally relocate with [country].

Basis of claim

You told us that you are a national of [country of origin]. If returned to [country of origin], you fear [what will happen] by [actor of persecution] [reason why].

N.B: Decisions are to state the convention reasons that apply to asylum (Race, Religion, Nationality, Political Opinion, Member of a Particular Social Group, Non-convention reason). Where the decision is based on non-convention reasons like dispute, it is clarified in the explanations.

[Brief explanation of non-convention reason]

I am/am not satisfied the treatment you fear would amount to persecution because [insert text].

Evidence considered in deciding your protection claim

- We considered the following documents and evidence when deciding the aasylum claim:
 - DGIE Interview transcript

- DGIE case summary and files
- RSDC Interview transcript
- [Documents provided by applicant]

Summary of country information/situation considered and subsequent conclusion.

Consideration of claim

Identity and Nationality

I am / am not satisfied you are [insert name] and your nationality is [insert nationality]. This is because....

Material facts (*If no facts have been accepted, delete this section*) :

- Name of accepted material fact/s

Material facts (*If no facts have been rejected, delete this section*):

- Name of rejected material facts. This is because...

Credibility

Summary of Applicant's account

Summary of credibility of the account of the applicant.

If the Applicant's account raises issues of credibility, the established issues are summarized here highlighting each area of credibility with reference to country information, evidence and conclusion.

For example: "inconsistent evidence without reasonable explanation, as well as a lack of detail. Elements of applicant's account that were implausible and inconsistent with external information."

Relevant country information and evidence to be referenced and summarized.

As a result, no acceptance that the applicant is at real risk on return. Reasons to be highlighted.

- **Conclusion** indicates therefore that, the material facts of the claim which would have created a real risk of persecution are not accepted. Or a Brief explanation indicating lack of real risk of harm.

Sufficiency of Protection and Internal Relocation (if applicable)

- Where the claimed actor of persecution is a non-state or rogue-state actor, consideration is on whether effective protection is generally available in the country where the Applicant alleges that he/she would suffer persecution before explaining why the

applicant would be able to access this protection. It is considered that there would be sufficient protection from persecution in applicant's country of origin if the key material facts of the claim had been accepted.

- For example:
 - Indicating that, police in the country are generally willing and able to provide protection in similar circumstances to the applicant.
 - Where the person/group claimed to be feared are non-state/rogue state actors but the applicant failed to demonstrate that it is reasonably likely they have sufficient power or influence over the authorities in country.
 - [Other reasons]whereby the applicant could consider or not internal relocation.

Next steps and appeal

Informing the applicant about his/her rights to lodge an appeal against the decision by writing to the Minister no later than 30 days after receipt of this letter (**working days**).

The appeal letter addressed to the Minister in charge of refugees must provide the reasons for appeal and/or new elements if relevant and providing a copy of the refugee status determination committee's decision.

The appeal can be made in writing or by email, attaching the Notification Letter, to the Central Secretariat of the Ministry in charge of Emergency Management (MINEMA) (from Monday to Friday at 9:00 Am to 5 PM if appealing by hard copy) and submitted to the Office of the Minister (info@minema.gov.rw) for further consideration.

You may be able to regularize your immigration status in Rwanda by other means. You may also be entitled to voluntary support to return to your country of origin should you wish to do so.

If you require support MINEMA officials would be able to support you to file an appeal. You are entitled to legal assistance during this process. phone number and address to be provided.

Received by.....
Translated/interpreted by (if required)
On /..... /

NYIRARUKUNDO Ignatienne
President of Refugee Status Determination Committee

Cc:
- The Director General of Immigration and Emigration
- The UNHCR Country Representative

KIGALI

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A12. GoR, Prospective Standard Operating Procedures on reception and accommodation facilities, September 2023

THE REPUBLIC OF RWANDA



MIGRATION AND ECONOMIC DEVELOPMENT PARTNERSHIP-CU

E-mail: info at medp.gov.rw

**STANDARD OPERATION PROCEDURE SOPS ON
RECEPTION AND ACCOMMODATION FACILITIES**

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I. INTRODUCTION AND BACKGROUND

1.1. PURPOSE OF THE SOPS

The purpose of this Standard Operating Procedure (SOP) for accommodating relocated individuals is to establish a comprehensive and standardized set of guidelines and procedures for efficiently managing accommodation and reception facilities while ensuring the well-being of relocated individuals in a lawful and consistent manner. This SoPs serves several essential objectives:

- **Consistency and Uniformity:** It ensures that all personnel involved in the accommodation process, including MEDP-Coordination Unit staff, service providers, and other partnership stakeholders, adhere to uniform procedures and protocols. This promotes consistent treatment and service delivery to Relocated Individuals (RIs), regardless of the facility or location.
- **Compliance with Legal and Regulatory Frameworks:** The SOPs outlines procedures that align with national and international laws, regulations, and human rights standards governing the rights and accommodations of RIs. Compliance with these standards is essential to prevent legal issues and uphold the rights of RIs.
- **Clarification of Roles and Responsibilities:** The SOPs defines the roles and responsibilities of various stakeholders engaged in the accommodation process, such as MEDP-CU, security personnel, service providers, medical personnel, and social workers. Clear delineation of roles ensures effective coordination and accountability.
- **Efficient Operations:** It outlines efficient processes for admission, placement, daily operations, security measures, medical care, and more. These streamlined processes optimize resource utilization and ensure timely delivery of essential services.

- **Protection of Relocated Individuals' Rights:** The SOPs underscores the significance of safeguarding the rights and dignity of RIs throughout their stay in accommodation facilities. This includes provisions for privacy, safety, access to legal representation, healthcare, and psychosocial support.
- **Emergency Preparedness:** Guidance is provided on handling various emergencies, including natural disasters, fires, medical crises, or security incidents, to guarantee the safety and well-being of RIs during unforeseen events.
- **Quality Assurance and Continuous Improvement:** The SoPs establishes a framework for monitoring and evaluating the quality of services and accommodations offered. This framework enables continuous improvement and adaptation to evolving circumstances and needs.

1.2. SCOPE

The scope of this SOP encompasses relocated individuals from the UK who will be received and accommodated in both short-term and long-term facilities, including those located within Kigali City and those situated outside of Kigali City. **These provisions only apply to accommodation provided by the MEDP Coordination Unit to a relocated individual. Relocated Individuals can at any time choose to obtain their own accommodation which may not meet these standards.**

1.3. DEFINITIONS

- **Accommodation:** In the context of these Standard Operating Procedures (SOPs), accommodation **including long-term accommodation facilities** shall be defined as a lodging facility for Relocated Individuals (RIs) that includes a sleeping area with a bedroom equipped with bedding accessories, restroom facilities, toilet amenities, washing facilities, access to the internet, and is:
 - o fit for purpose, habitable, in a good state of repair and maintained to an adequate standard;
 - o is located in a suitable place;
 - o meets adequate levels of hygiene and safety, including fire safety;
 - o provides the RI with security and privacy;
 - o provides adequate washing and toilet facilities;
 - o Includes access to electricity and water;
 - o Includes adequate furniture, including the RI's own bed, and;
 - o Access to a kitchen (unless the RI is being provided with meals);
 - o Laundry facilities (unless the RI is being provided with a laundry service);
 - o Is not overcrowded and provides each RI with adequate space;
 - o Is adequately ventilated and lit; and
 - o Is made suitable for relocated individuals with specific needs, such as reasonable adjustments in accordance with relocated individuals' physical and medical needs.

- **Reception Centres:** accommodation allocated to RIs upon arrival in Rwanda, pending Refugee Status Determination, for a period of up to 3 months.
- **Long-term Accommodation facilities:** accommodation provided to RIs following Refugee Status Determination or after 3 months of arrival if appropriate.
- **Litigation mechanism:** Within the scope of these Standard Operating Procedures (SOPs), accommodation litigation shall pertain to the process of resolving any disputes or misunderstandings that may arise between room occupants and their service provider.
- **Service provider:** For purpose of this SOPs, the house manager/service provider refers to the organization that will oversee the accommodation management by ensuring that all room requirements are timely availed, maintained and replaced when necessary.
- **RIs:** Under these SOPs, RIs refer to a person relocated from UK to Rwanda under Migration and Economic Development Partnership signed between two Governments.

II. RESPONSIBILITIES

2.1. RESPONSIBILITIES OF SERVICE PROVIDER FOR RECEPTION FACILITIES

The service provider shall ensure:

1. **Reception Facilities Management:** Ensure that reception centres are clean, safe, not over-crowded, lit and ventilated, and comfortable for RIs, and for the provision of clean water (*). Ensure that accommodation is adequate for the RI's needs, including where appropriate for the needs of RIs
2. **Check-In and Check-Out Procedures:** Efficiently manage the check-in and check-out process for RIs. RIs will be free to come and go from reception centres.
3. **Catering and Meal Services:** Provide three (3) meals per day which will be varied, balanced and meet adequate nutritional standards and dietary options that meet the dietary, cultural or religious needs of RIs. The food service will be provided in a location easily accessible to RIs and clearly explain the availability of religious or culturally sensitive meals.
4. **Security:** Maintain security within the accommodation premises to ensure the safety of RIs.
5. **Housekeeping:** Regularly clean and maintain accommodations to ensure hygiene and comfort.
6. **Cultural Sensitivity:** Be sensitive to the cultural and religious needs of RIs, including providing access to prayer facilities.
7. **Privacy:** Respect the privacy of RIs and ensure their accommodations provide a level of privacy.
8. **Emergency Response:** Develop and communicate emergency procedures to ensure the safety of RIs in case of emergencies.
9. **Compliance:** Adhere to all relevant laws and regulations related to RIs and accommodations.

10. Reporting: Maintain records and reports related to the occupancy, services provided, and incidents that may occur.
11. Training: Train staff members on cultural sensitivity, RIs needs, and relevant policies and procedures.
12. Communication: Maintain open and respectful communication with RIs to address their concerns and needs.
13. Accessibility: Ensure that accommodations are accessible to individuals with disabilities, if applicable.
14. Monitoring and Evaluation: Regularly assess and improve services based on feedback and changing circumstances.

(*)

DETAIL OF RECEPTION FACILITY MANAGEMENT

1. All rooms are numbered
2. All keys are numbered
3. Sheets, towels, bed covers, and pillow covers are regularly washed; washing has to be done twice a week and spare items are issued.
4. Every RI receives a suitable room, bed and accessories
5. A communication channel is established to know daily feedback, demand or complaints from the RIs and respond accordingly;
6. Rooms, corridor, wash rooms, toilets and compound premises are regularly cleaned; cleaning should be done on daily basis not later than 11:00 am;
7. RIs are well aware of a schedule for cleaning, washing services, accessories change.
8. The regular supply of toilet papers in toilets at least twice in a week;
9. The availabilities of dust bins and their regular collection each day of cleaning;
10. Doors are equipped with locks and keys are given to occupants;
11. Keys are timely replaced in case of loss or damages.

2.2. RESPONSIBILITIES OF RIs

Upon arrival, RIs will receive a briefing to outline the rules and guidelines of the reception facility. These include, but may not be limited to:

1. *Compliance with Rules (*)*: Adhere to the rules and guidelines set by the accommodation facility.
2. *Respect for Others*: Show respect and consideration for fellow RIs and service provider staff.
3. *Security*: Cooperate with security measures and help maintain a safe environment.
4. *Privacy*: Respect the privacy of others and maintain confidentiality regarding personal information.
5. *Cleanliness*: Keep your accommodation area clean and tidy.

6. *Use of Facilities:* Properly use and care for facilities and equipment provided. All items given or found in the facility are NOT FOR SALE;
7. *Behavior:* Behave in a manner that does not disrupt the peace and safety of the accommodation.
8. *Cultural Sensitivity:* Be sensitive to the cultural and religious practices of others and respect their beliefs.
9. *Cooperation:* Cooperate with staff and authorities when necessary for security or administrative purposes.
10. *Reporting:* Report any concerns, incidents, or maintenance issues to staff promptly.
11. *Attend Appointments:* Attend scheduled meetings or appointments with immigration authorities or service providers.
12. *Legal Compliance:* Abide by the laws and regulations of Rwanda.
13. *Attendance:* Attend required orientation sessions, language classes, or integration programs, if available.
14. *Financial Responsibility:* Manage personal finances responsibly, if RIs receive financial support.
15. *Community Participation:* Participate in community activities or programs that promote integration and well-being.
16. *Safety:* Be aware of safety procedures and evacuation plans in case of emergencies.
17. *Seek Information:* Seek information and assistance regarding legal rights, RIs procedures, and available services.
18. *Cooperation in Legal Process:* Cooperate with legal and RIs processes, attend interviews, and provide accurate information.

(*)

1. Occupy the room and take care of the amenities found inside;
2. Sign receipt paper of material found in the room;
3. Do not draw on the walls. You may hang movable decorations or announcements but ensure they do not alter or visibly impact the walls;
4. Report any item that is not fit or serving its purpose
5. Ensure that the houses and rooms are clean and healthy; and to flag any infestation or threat to the hygiene of the house residents for proper management;
6. Facilitate and give access to support services personnel like those in cleaning and maintenance;
7. To be aware that no-one else from inside and outside the compound should be sharing the given room, the sharing of rooms with people who are not RIs is prohibited;
8. It is also encouraged to hand back any item which is not needed instead of throwing them away or misusing them, as they may cause danger if misused;
9. **It is prohibited to bring live animals** such as goats, cows, pigs, etc or others inside the compound for slaughter; whenever there is a need arrangement will be done with the kitchen for proper management;
10. Your place has to be **green**: you are encouraged to take care of the external premises close to your house with environment friendly behaviors and avoiding throwing trash in inappropriate places;
11. **Plastic bags are not in circulation in Rwanda**: please continue to respect the environment by avoiding disposing of any plastic bags or items in inappropriate places;
12. **Water and electricity should be used sparingly**; to remember to switch lights off whenever not needed such as during day time
13. Not smoke in public spaces. Smoking areas are provided for the purpose;
14. To be moderate when playing music or having discussions on phone or with colleagues. Noise pollution is an offense.
15. Be aware of firefighting infrastructure at your disposition to use when in need;
16. Timetable for common activities are to be respected;

2.3 RESPONSIBILITIES OF MEDP-CU

- *Preparation and Planning*: Collaborate with relevant government agencies, NGOs, and service providers to plan and prepare for the arrival of RIs.
- *Accommodation Arrangements*: Coordinate the placement and allocation of RIs to appropriate rooms or facilities within the reception hotel.
- *Orientation*: Provide orientation sessions to RIs, informing them about the reception and accommodation's rules, legal awareness training, complaint system, services, and available resources. Ensure there is information available at the accommodation (including access to interpretation and translation services) in respect of asylum process in Rwanda, and how to bring legal proceedings in the UK.
- Ensure there is the provision of information regarding the procedure for lodging a complaint about their accommodation and delivery of other support.
- *Documentation and Registration*: Assist RIs in completing necessary documentation, such as asylum registration forms and identification procedures. Working with DGIE, ensure that RIs are provided with appropriate identity documents or temporary residence permits, which allow them to access services and protection.
- *Integration Support*: Offer support and information to help RIs integrate into the community, including language classes, cultural orientation, and access to local services.

- *Safety and Security*: Ensure the safety and security of RIs within the reception and accommodation facility, including implementing security measures and emergency response plans.
- *Language Services*: Provide language support, translation, or interpretation services for RIs if needed.
- *Medical Assistance*: Arrange for medical services and access to healthcare facilities if required. An initial medical assessment of each RI in order to establish any medical needs shall be carried out. This assessment will take place as soon as possible following the relocated individual's arrival in Rwanda.
- *Medical Care*: Coordinate access to medical services and ensure that RIs receive necessary healthcare, including initial health assessments and vaccinations. This includes ensuring that there is 24/7 first aid by appropriately trained staff in reception facilities and medical support on-site as required.
- *Psychosocial Support*: Provide or facilitate access to psychosocial support services for RIs who may have experienced trauma or distress. This includes ensuring that there is 24/7 first aid in reception facilities.
- *Legal Assistance*: Connect RIs with legal representatives or organizations that can assist with their RIs claims and legal processes on request and where provided free of charge on appeal.
- *Complaints and Grievances*: Establish a system for receiving and addressing complaints or grievances from RIs, ensuring a fair and transparent process for resolution.
- *Monitoring and Evaluation*: Regularly monitor the well-being and satisfaction of RIs in the reception and accommodation facilities and collect feedback for continuous improvement. The Monitoring Committee will have access to reception facilities in accordance with the MEDP arrangement.
- *Data Management*: Maintain accurate records and data related to the RIs, their status, and services provided and process data in accordance with Rwanda's legal obligations and in accordance with the commitments under the MEDP.
- *Human Rights*: Uphold the human rights and dignity of RIs throughout their stay.
- *Digital services*: regularly maintain IT facilities including the provision of a smartphone for individual use and internet access at the reception facility.
- *Reporting*: Prepare and submit regular reports to relevant authorities on the status and needs of RIs in the accommodation and reception facilities.
- *Emergency Preparedness*: Develop and implement plans for handling emergencies, including natural disasters, medical crises, or security incidents, to ensure the safety and well-being of RIs during unexpected events.
- Each relocated individual will be provided with transportation free of charge: to their accommodation, following their arrival in Rwanda between their accommodation in Rwanda and any interview for the purposes of processing their asylum claim; and between their accommodation in Rwanda and any hearing of an appeal of their asylum claim.
SUBJECT TO FURTHER SEPERATE AGREEMENT: Where relevant, to attend any hearing for out of country UK legal proceedings

III. ACCOMMODATION FACILITIES

3.1. DETAILS ABOUT THE TYPES OF ACCOMMODATION FACILITIES

The places of accommodation will be the hotels and other centers for RIs in a period not exceeding three months (Reception Centers) and the long term accommodation facilities where relocated individuals will have to live after three months in reception centers.

In reception and long term accommodation facilities RIs may have to share some rooms with other persons (where appropriate) In reception and long term accommodation facilities, RIs will receive administrative, legal, health and social support (access to social rights, access to healthcare, etc...)

3.2. ADMISSION PROCEDURES

3.2.1 ELIGIBILITY CRITERIA

Any Relocated person will be provided with a room of the above stated standards basing on following conditions:

1. To be relocated from UK to Rwanda under the MEDP arrangement;
2. To be on the list of received persons at reception area.

3.3. ACCOMMODATION PLACEMENT

3.3.1. ROOM ALLOCATION PROCESS IN RECEPTION CENTERS

Room allocation for RIs in reception and accommodation facilities should be carried out in a fair, transparent, and equitable manner to ensure that the specific needs and vulnerabilities of each individual or family are taken into account. The conditions for room allocation will consider the following factors:

- *Adult family groups:* Accommodate family units together whenever possible to ensure their privacy and emotional well-being.
- *Age and Gender:* Consider the age and gender of RIs when allocating rooms and washroom and sanitary facilities. Separate sleeping quarters and sanitary facilities should be provided for males and females to ensure safety and privacy. Facilities can be allocated with flexibility according to Relocated Individuals' needs.
- *Vulnerabilities:* Vulnerable individuals will be prioritized, such as , persons with disabilities, survivors of trauma, and elderly persons. These individuals will be provided specific accommodations, such as accessible rooms or additional support.
- *Nationality and language bond shall be also considered while allocating rooms.*

(*)

1. Each person should have his/her own bed;
2. Room allocation is solely the responsibility of MEDP-CU;

3.3.2. HOUSE ALLOCATION FOR LONG TERM ACCOMMODATION FACILITIES

House allocation for RIs is the process of assigning suitable housing to individuals or families from UK after three months in reception centers. This allocation is an essential part of the integration process for RIs, ensuring that they have a safe and stable place to live. Here are key aspects of house allocation for RIs:

- *Assessment of Needs:* Before allocating housing, MEDP-CU will consider the specific needs of each RI or relocated adult family. Factors considered include family size, medical conditions, disabilities, personal choice and any vulnerabilities.
- *Location:* The location of the allocated housing is crucial. It will be in a safe area, accessible to essential services like schools, healthcare facilities, and public transportation. Consideration is also given to proximity to other Rwandan communities for social support.
- *Safety and Security:* Housing provided to RIs should meet basic safety and security standards. This includes having functional doors and windows, locks, and structural integrity to withstand environmental factors.
- *Furnishings:* Housing may be furnished with basic items including a bed and kitchen appliances to help RIs settle in comfortably.
- *Duration:* For RIs provided with refugee or other settlement status, they will be provided permanent accommodations for a period of 5 years.
- *Legal Documentation:* RIs with permanent accommodation will receive legal documentation related to their allocated housing, outlining their rights and responsibilities.

IV. PSYCHOSOCIAL SUPPORT

4.1. COUNSELING SERVICES

A designated room within the reception facility will be allocated for the provision of psychosocial support services to relocated individuals. Such support services will include the ability to refer on to medical facilities as necessary. Additionally, dedicated interpretation services will be readily available to facilitate effective communication and assistance.

4.2. RECREATIONAL ACTIVITIES

A diverse range of recreational activities will be thoughtfully curated and made available to RIs within the reception and accommodation facility. These activities are designed to cater to various interests and needs, promoting physical and mental well-being, social interaction, and relaxation among the residents. They may include but are not limited to sports, cultural events, educational workshops, and leisure activities. The aim is to create a supportive and engaging environment that contributes to the overall welfare and integration of RIs during their stay at the facility.

V. COMPLAINTS MECHANISMS

Grievance procedures for RIs in the reception and accommodation facility will be established to ensure that RIs have a mechanism to voice their concerns, complaints, or grievances while staying at the facility.

The following outlines the key components of these procedures:

- *Accessible Channels*: RIs will have access to multiple channels through which they can submit their grievances. These channels will include grievance boxes, complaint forms, email, hotlines, or in-person meetings with designated personnel.
- *Confidentiality*: The process will prioritize the confidentiality of the complainant, ensuring that their identity and the details of their grievance are kept confidential.
- *Designated Grievance team (*)*: MEDP-CU designated staff will be responsible for receiving, documenting, and addressing grievances. These staff will have a clear understanding of the grievance resolution process.
- *Timely Response*: A commitment to timely responses is essential. Upon receiving a grievance, the facility will acknowledge receipt and provide resolution in a period not exceeding 48h. The RI who submitted the grievance will receive feedback regarding the resolution process and its outcome.

(*)

Following mechanisms will be in place to facilitate the process:

1. Hostel management should make all reasonable effort to resolve any misunderstanding that may occur;
2. An accommodation committee will be elected from the RIs to liaise between community and hostel management;
3. The focus group discussions will be held on regular basis to evaluate the process;
4. A staff from MEDP-CU will be deployed at accommodation to facilitate the process and resolve the complaints at the last resort.

VI. APPENDICES

COMMITMENT FOR ROOM ALLOCATED IN THE RECEPTION CENTER

[Name of the Reception Facility]

[Address of the Facility]

[City/Region, Postal Code]

Date: [Date of Commitment]

Relocated Individual's Name: [.....]

Room Number: [.....]

Allocation Period: [Start Date] to [End Date]

Terms and Conditions:

- Room Assignment: hereby allocates Room #[Room Number] tofor the period of..... The room is located within our facility at the address mentioned above.
- Rights of RI:has the right to privacy, security, and a safe living environment during their stay in the allocated room. is committed to ensuring that these rights are upheld.

- Responsibilities of RI: is responsible for maintaining the cleanliness and orderliness of the allocated room. Compliance with facility rules and regulations is mandatory.

<p>On Behalf of RI Signed by: Relocated Individual's names</p>	<p>Witnessed by: MEDP-CU Designated staff</p>	<p>On Behalf of reception facility Signed by: Representative of the reception facility</p>
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- LOCATION PLAN/MAP

For each reception and accommodation facility, a location map will be provided with the neighboring essential services (hospital, bus station, school, markets) outlined.

ROOM ALLOCATION FORM

Room number	
Room Allocation date	
Names of individual or family assigned	
Available items in the room	
Room allocated to: Names and Signature	Facility Administrator Names and Signature

- MEALS REQUEST FORM

RIs can use this form to request special dietary requirements or communicate any food allergies.

SPECIAL DIETARY REQUEST FORM

RI's Name _____
Date

RI's room and Phone Number

Describe allergy you have: _____

Describe needed special dietary: _____

Medical proof

Was medical recommendation provided?
Yes No
Kindly provide the proof

- EVACUATION PLAN

A visual representation of evacuation routes and assembly points within the accommodation facility in case of emergencies. (The plans will be provided for each facility and they will be explained to RIs).

REFUSAL OF MEDICAL ASSESSMENT ON ARRIVAL

RI's Name

Date

RI's room and Phone Number

This is to confirm that an initial medical assessment on arrival has been refused. The relocated individual will be able to seek medical care at a later date should they wish to do so and this has been explained to the RI.

RI's signature

Witness

RI's signature

Official signature (MEDP CU)

- **MAINTENANCE REQUEST FORM:**

This form will help to ensure that any necessary repairs are addressed promptly.

RI's Name

Date

RI's room and Phone Number

Describe the needed maintenance you have: _____

- **USEFUL CONTACTS**

1. Facility Administrator
2. Psychosocial staff:
3. Service Provider:

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A13. GoR, Prospective Standard Operating Procedures on Health services to relocated individuals under UK-Rwanda MEDP, May 2023

SOPs HEALTH SERVICES TO RELOCATED INDIVIDUALS UNDER UK-RWANDA MEDP

May, 2023

I. Purpose

This Standard Operating Procedure (SOP) outlines the process for relocated individuals (RIs) to access healthcare services during their stay within Rwanda under the MEDP.

II. Scope

This SOPs applies to all relocated individuals, insurance companies and healthcare providers involved in the healthcare process for relocated individuals including the referral process. It is noted that where relevant, the insurance provider will seek the assistance of providers who have better expertise and facilities to guide in managing or to taking over a responsibility for a particular clinical condition in a patient.

The system does not include nationals or the national spouse of the RIs.

III. Definitions

- **Relocated Individual:** An individual who is being or has been removed from the United Kingdom and that the Participants have agreed, is to be relocated to Rwanda.
- **Healthcare Provider:** Medical professionals, facilities, and organizations responsible for delivering healthcare services.
- **Mental illness:** Person who has a mental or psychological condition which impacts on daily functioning. This includes both persons formally diagnosed and persons suspected of having a mental illness. Characteristics of this category include obviously confused thinking; disorientation in time, place or person; marked inattention; obvious loss of contact with reality; clearly peculiar behavior and severe withdrawal, anxiety, or depression such that daily functioning is affected. Mental illness also includes risk of harm to self or others.
- **Malnutrition:** a situation of a person who is either moderately or severely suffering from acute malnutrition as measured by "weight-for-height criteria",

"mid-upper-arm circumference" (MUAC) or other recognised anthropometric (=body mass) measurements, and would benefit from a supplementary (or therapeutic) feeding and nutrition programme.

- **Difficult pregnancy:** a situation of woman or girl who is diagnosed with a difficult pregnancy, which requires increased medical attention and/or additional assistance. This includes women pregnant as a result of rape, pregnant women with chronic illness, and malnourished pregnant women.
- **Chronic illness:** a situation of a person who has a medical condition which requires long-term treatment and medication under the supervision of a physician. Such conditions include diabetes, respiratory illness, cancer, tuberculosis, HIV/AIDS and heart disease.

- **Critical Medical Condition:** a situation of a person who has a life-threatening medical condition which requires immediate, life-saving intervention or treatment.
- **Other Medical Condition:** a situation of a person who has a medical condition not otherwise mentioned, which has a serious impact on the ability to function independently. The condition requires caregiver support, but may not require hospitalization or continuous medical care
- **Addiction:** a situation of a person who has an alcohol, drug or any other substance addiction that hinders, restricts or impacts his/her daily functioning. This may result in violent behavior towards family members and/or inability to support family.
- **Disability:** Physical, mental, intellectual or sensory impairment from birth, or resulting from illness, infection, injury, trauma. These may hinder full and effective participation in society on an equal basis with others.
 - ✓ Assessment of the patient to define whether the condition is moderate or severe would require a specialist/ qualified personnel.
- **Physical Disability:** a situation of a person who has a physical impairment from birth or resulting from illness, injury, trauma, which does not significantly limit the ability to function independently. This category may include mine victims and persons who lost fingers or limbs, which may be corrected with a prosthetic device.
- **Emergency cases:** an emergency case is a situation of a patient whose life, long-term health or bodily integrity will be at risk because of an illness or an injury, if medical, surgical or obstetrical intervention is not performed rapidly.

IV. Pre- arrival

If any Relocated Individuals have any known specific medical needs which need to be catered for immediately upon arrival, this information will be provided by the UK with the consent of the Relocated Individual alongside the provisional manifest.

The MEDP Coordination Unit would consider and record the information provided by the UK and make any specific arrangements to ensure an individual's needs are met upon arrival, including considering the suitability of reception facilities and arrangements for storing medication an individual would arrive with.

V. Arrival

Initial Health Assessment

Upon arrival in Rwanda, relocated individuals will be offered an initial health assessment conducted by qualified doctors and medical personnel as soon as possible. These assessments will aim to identify the medical needs of each relocated individual. The assessment includes a medical history review, physical examination, and screening for infectious diseases. Results are documented and used to identify health conditions that may require attention. The MEDP Coordination Unit will sponsor health screenings that will be conducted upon the arrival of relocated individuals in Rwanda.

If an individual does not consent to the initial health assessment, the MEDP Coordination Unit will record this. An individual will be able to seek medical care as soon as they wish.

Upon arrival where an individual has a specific safeguarding concern including risk of self-harm, immediate steps would be taken to prevent harm. Medical support and appropriate safeguards would be put in place, including in accommodation facilities.

VI. Access to Health care

The MEDP Coordination Unit coordinates access to healthcare services, including initial health assessments and vaccinations. Provision of psychosocial support services for individuals who have experienced trauma or distress is ensured. A designated room within reception facilities is allocated for psychosocial support, with the ability to refer individuals to medical facilities. Interpretation services are readily available for effective communication.

From arrival, each Relocated Individual will have access to quality preventative and curative primary and secondary healthcare services that are at least of the standard available to Rwandan nationals, including:

❖ HOSPITAL CHARGES

- Daily room and board and nursing services in a semi-private room or ward
- Daily room and board and nursing services in an Intensive Care Unit
- Use of operating, treatment and recovery rooms
- Dressings, sutures and other supplies routinely provided to inpatients
- Emergency Room treatment (must be an emergency)
- Prescription drugs provided while inpatient
- Radiology, laboratory and ultrasound services

- Physical therapy, Occupational therapy and Speech therapy while inpatient
- Professional services, including doctors

❖ **OUTPATIENT HOSPITAL/OUTPATIENT SURGICAL FACILITY SERVICES**

- Professional services including doctors
- Dressings, sutures and supplies routinely provided while outpatient

❖ **DOCTOR AND CLINIC VISITS**

- Doctors and specialists
- Physical therapy, Occupational therapy and Speech therapy
- Licensed Behavioral/Mental Health professionals
- Radiology, laboratory and ultrasound services
- Chiropractic services

❖ **OTHER COVERED SERVICES**

- Local emergency ambulance transportation
- Durable medical equipment
- Home health care
- Hospice care
- Radiation therapy or treatment
- Chemotherapy
- Hemodialysis
- Oxygen and other gasses and their administration
- Anesthetics and their administration
- 1 Routine Vision exam and 1 pair of glasses
- Hearing services including the prescribing, fitting or changing of hearing aids

❖ **Services that are not covered.**

- Pregnancy and newborn expenses
- Personal convenience items
- Telephone consultations or failure to keep a scheduled appointment
- Any modification of the body made to improve psychological, mental or emotional well-being
- Exercise programs, whether or not prescribed by a doctor
- Cosmetic or aesthetic procedures
- Treatment for infertility, impotency or any sexual dysfunction
- Services or supplies that are investigational, experimental or for research purposes
- Eye surgery to correct nearsightedness, farsightedness or astigmatism
- Biofeedback, recreational, sleep or music therapy
- Services performed or supplies provided by your relative or any person who resides with you
- Services or supplies provided at no cost

- Treatment to promote hair growth, whether or not prescribed by a doctor
- Treatment to prevent hair loss
-
- Any supply or service that is not Medically Necessary Service of supplies for which benefits or payments are available under any other contract or policy

VII. Eligibility

- a. Under MEDP CU every RI will be eligible for health insurance for a period of 5 years unless otherwise (voluntary repatriation, or relocation to another country).
- b. Benefits automatically terminates after the period of 5 years. The Data Management System will start to notify the beneficiary before 3 months of conclusion.
- c. All RIs will have a card enrolled in the system that will include s/he name, identification number and other important information about the insurance. The card will be different to the ID card.
- d. RIs shall keep his card at all time and present it to the Doctor, hospital, dentist or pharmacy when seeking services. The provider will use the card to verify your eligibility benefits and to obtain important information. When the card is lost the RI shall liaise with MEDP CU for new arrangement to get a new card.

VIII. Parties and their roles

a. MEDP-CU

MEDP CU shall:

- lead the coordination, monitoring and evaluation of health services for RIs
- ensure that all RIs have access to effective healthcare services
- ensure that preliminary medical assessment are provided at the reception centers
- capture all referred cases and all RIs who have been given referral.
- Arrange interpretation support for medical appointments where necessary

b. RIs

- shall have access to a range of services of reasonable quality
- Communicable disease shall be managed at the reception centers and may be refereed only under proper care or found to be absolutely necessary.
- Taking medication as prescribed by the physician
- Proper use of the insurance card
- Promptly visit the hospital when necessary and to protect others from communicable disease.
- To liaise with MEDP CU in case of unsatisfactory services.

IX. Level of Hospital

This SOPs refer to government and private hospitals that provide health care to public patients, including the RIs under MEDP CU.

1. Primary level health facility (Health centers)
2. Secondary level health facility (district and provincial hospitals)
3. Tertiary and specialized care. (Teaching and referral hospitals and Specialize mental health centers.)

X. Referral pathways

The referral of the RIs from health facilities follows the national healthcare system. Primary Health Care facilities are the first level of care where the need for referral/ transfer is assessed and decided by the designated a healthcare professional. From health center facilities, the RIs will be referred to District hospital and then to Referral Hospital or Teaching Hospital. Except in emergency, cases referred by the primary or District hospitals to a specialized care might, if the need be, go through the process of reprioritization. It is important to ensure continuity of care by providing feedback to the referring facility.

XI. Steps for referring patients after decision for referral

1. Stabilizing the patient, informing the patient family where applicable, of the decision for referral identifying the need for a nursing escort, identifying a care-giver, preparing a transportation means
2. Completing the referral paper: identification, clinical examination, history of the illness/symptoms, diagnosis, details of treatment received to date, further treatment needed, full name and signature of the referring person.
3. Issuing of travel authorization to the patient and care-giver. Ensure the right escort is selected for the patient. sign written consent for the patient to return to reception center or after completion of the treatment.
Informing referral attendant at respective referral sites with information on patient identification, date and time of departure, date of arrival, means of transportation, diagnosis, general condition, means of communication with referral attendant on arrival (e.g telephone).

XII. Special and Emergency Care

If special care is required, relocated individuals are referred to appropriate specialists or facilities. In emergencies, relocated individuals should seek immediate medical attention at the nearest healthcare facility. Emergency contact numbers are provided for quick access to medical services.

XIII. Medication and Treatment

Prescribed medications and treatments are provided as necessary. Medication schedules and treatment plans are explained to relocated individuals. Regular follow-up appointments may be scheduled to monitor treatment progress.

XIV. Mental Health Support

Mental health services are available for relocated individuals who require mental health support services. Qualified mental health professionals offer counselling and therapy. Confidentiality is maintained throughout the process.

XV. Preventive Care

- Relocated individuals are educated about preventive healthcare measures, including hygiene and disease prevention. Immunization programs are in place to protect against communicable diseases. Health education materials are provided in appropriate languages.
- Anti-malarial medication will be provided free of charge to all Relocated Individuals.
- Preventative and mitigating measures to lower health risks will be in place, including but not limited to:
 - o Equipping accommodation facilities with treated mosquito bed nets.
 - o Installing mosquito nets on bedroom windows.
 - o Conducting residual spraying in gardens.
 - o Providing mosquito repellents for both indoor and outdoor use.
-

XVI. Cost

- a) All referral services shall be provided free of charge and related authorized costs should be covered by the insurance company .
- b) Referral cost should be minimized to the extent possible by avoiding delays, establishing a convenient system for transportation and effective communication.
- c) Costs of services obtained only in region countries shall be covered.

XVII. Confidentiality

Privacy and confidentiality shall be respected at all time. The principle of purpose – specification shall be applied for sharing information about the patient. The principle consists of:

- a) The author of the request must be recognizable and authentic
- b) the request must state its purpose; and
- c) the request must be in writing; and
- d) consent of the individual concerned should be obtained when needed.

XVIII. Fraud

RIs should keep away from any form of fraud as any suspicion might result in withholding of medical assistance which is detrimental to their health.

MEDP CU has the right to counter-check any suspicious documents through any means available like for example telephone, email, formal letters, interviews and physical visits.

XIX. Documentation

- All the referrals should be well documented on the individual patient card and should be easy to retrieve.
- All referrals should be documented in the referral registration in the Data Management System
- All the referrals shall be tracked in database

	Number of Hospitals
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A14. GoR, Prospective Standard Operating Procedures Identifying and safeguarding vulnerable persons under the MEDP, May 2023

MIGRATION AND ECONOMIC DEVELOPMENT PARTNERSHIP COORDINATION UNIT info@medp.gov.rw

May, 2023

STANDARD OPERATING PROCEDURES (SOP) ON IDENTIFYING AND SAFEGUARDING VULNERABLE PERSONS UNDER THE MIGRATION AND ECONOMIC DEVELOPMENT PARTNERSHIP

This Standard Operating Procedure sets out how to identify and refer Vulnerable Persons for specialist safeguarding support to prevent abuse or exploitation of those relocated under the Migration and Economic Development Partnership.

At any stage in the refugee status determination process and integration process, officials may encounter and should have due regard to the physical and psychological signs that can indicate a person is vulnerable. This document sits alongside other national plans and policies to support and safeguard Vulnerable Persons in Rwanda including strategic safeguarding plan for adults with a range of vulnerabilities, including mental health, gender-based violence, and addiction.

This SOP sets out the process for identifying and responding to someone who is considered a Vulnerable Person and to safeguard against abuse or exploitation of Relocated Individuals and those seeking asylum. Appropriate protection and assistance should be given to all people according to their needs, and consultation may take place for this with the individuals and communities that the Vulnerable Person is associated with. All persons should receive appropriate protection and assistance according to their needs, in consultation with the individuals and communities in question.

DEFINITION OF KEY TERMS

1. Individuals may be ‘vulnerable’ due to their own past experiences or and/or personal characteristics. Some people may have been subject to abuse in their country of origin or upon leaving their country of origin, including those who are victims of human trafficking. Individuals may also become vulnerable or come forward with vulnerabilities at any stage in the refugee status determination process, either through illness or other external factors.

- Individuals in the following categories may be considered to be a Vulnerable Person:
- Persons with serious physical or mental health conditions as diagnosed by a medical professional.
- Persons with special legal or physical protection needs as defined in Rwandan law
- Single women and pregnant women
- Women-headed households
- Victims of Trafficking: Individuals who have been recruited, transferred or harbored by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability for the purpose of exploitation. Exploitation may include the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery.
- Older persons: Individuals over the age of 60 years.
- Persons with disabilities
- Individuals whose gender identity and/or sexual orientation places them at higher risk of vulnerability such as lesbian, gay, bisexual, and transgender (LGBT) persons

PURPOSE

We have a responsibility to safeguard Vulnerable Persons by:

- i. Empowering decisions and providing for informed consent by individuals
- ii. Preventing harm before it occurs and taking the appropriate action when a safeguarding or vulnerability concern arises
- iii. Supporting Vulnerable Persons to meaningfully participate with the asylum process and other related services
- iv. Protecting and supporting those in greatest need
- v. Inclusiveness Taking the most appropriate response to the risk presented
- vi. Accountability by being transparent with safeguarding.

OBJECTIVES

- ❖ To identify Vulnerable Persons, including groups, and ensure that their needs are regularly assessed using participatory approaches.
- ❖ To set up mechanisms that can quickly identify and refer individuals as Vulnerable Persons particularly those who are less visible to the authorities, in cooperation with communities and their structures.
- ❖ To design and implement protection responses and assistance programs jointly with Vulnerable Persons, those at risk of becoming vulnerable and their communities.
- ❖ To prioritize supporting and addressing the needs of Vulnerable Persons with the urgency required in all protection and assistance responses (including during reception and registration and throughout the refugee status determination and their integration).
- ❖ To develop partnerships and referral mechanisms with other protection and assistance actors (including national partners) who have relevant expertise and adequate capacity to support groups and individuals who may be vulnerable.

- ❖ To establish and maintain a confidential individual case management system to register and track persons defined as Vulnerable Persons, and record the protection and assistance they require and receive

IDENTIFYING AND REFERRING VULNERABLE PERSONS ON ENCOUNTER

4. An adult who is at risk of actual or potential harm of abuse or exploitation must be referred to services to protect and safeguard their welfare as soon as possible. Vulnerable people can be identified at any stage of the refugee status determination process and must be appropriately referred to ensure adequate safeguard. When encountering a Vulnerable Person, all officials must show due regard to the available information and assess whether referral is appropriate and/or required.
5. Vulnerable Persons may present concerns or issues at reception accommodation centres outside of the refugee status determination (RSD) process. Staff on-site must respond accordingly to ensure Relocated Individuals receive support promptly.
6. It is important that a person disclosing information regarding any vulnerabilities is treated sympathetically and without judgment. To enable this, an appropriate language interpreter should be used to ensure the person can explain their vulnerabilities and concerns.
7. Officials encountering and/or supporting such individuals will need to outline the steps that they will take with or on behalf of the Vulnerable Person to ensure they are offered appropriate support and should obtain the consent of the person where possible before making a safeguarding referral. Individuals may wish for no action to be taken. However, in some circumstances where this may not be possible, for example where an individual's capacity to give informed consent is impaired because they have a cognitive disability, a referral should be made where it is in the best interests of the Vulnerable Person.
8. Where a staff assesses that a safeguarding referral is appropriate, he/she should first contact the relevant MEDP - CU Protection Team outlining relevant and appropriate information and record that they have taken this action. Staffs may consult with supervisors or senior officials if they need to confirm which is the appropriate protection team and/or action taken.
9. In case of unsatisfaction, the individual may escalate the case to the relevant Protection Team for the case management by the staff who have appropriate qualifications and specialist training on supporting Vulnerable Persons.

INTERVIEWING, INFORMATION PROVISION AND FOLLOW-UP ASSESSMENT

10. Screening of vulnerabilities will occur by officials (Protection Officers) who have received the relevant training and are equipped to competently handle safeguarding referrals. Upon receiving a safeguarding referral, the Protection Team will arrange an interview with the individual within a reasonable timeframe taking into account the specific vulnerabilities and prioritizing cases where required. Where necessary, if the person is requiring emergency protection or care, then the emergency services must be contacted.
11. Upon receiving a referral, a Protection Officer will arrange for an interview with the person and must ensure the following:

- o When contacting the individual, the Protection Team will ask what reasonable adjustments can be made and decide what accommodations can be put in place to support the individual. If required, the person should have access to a competent interpreter. Adjustments, could include, fears, concerns about their disclosure to the protection team about other family or related members. Travel and access to the interview for wheelchair users.
- o Adequate facilities within which to conduct a safe, professional, and confidential vulnerability interview with reasonable adjustments.
- o Specific care should be taken to accommodate vulnerabilities within the interview and to make reasonable adjustments. For example, through the provision for same-sex interviews (including interpretation) and gender-related considerations (similarly for health checks and medical examinations).
- o A person may wish to have support in the form of a guardian, or support person present for the interview. For example, a Vulnerable Person's capacity to effectively participate in an interview may be impaired or not well developed, such as those who may have a cognitive or intellectual disability.
- o Officers need to have appropriate information available to provide to those being interviewed. This includes basic information about the asylum and migration procedures if relevant, the individual's rights and responsibilities, and all relevant care and support services including contact details.
- o In screening for vulnerability factors officers need to make contact and build rapport quickly, employ skillful and non-judgmental questioning (including open, reflective questioning) as well as skillful listening, observation, response to disclosure and review of available reports.

PHYSICAL, MENTAL HEALTH AND PSYCHOLOGICAL INDICATORS OF VULNERABILITY

12. The interview must pay regard to the physical, mental and psychological wellbeing of the person throughout.
13. This may include physical indicators for vulnerable persons such as:
 - Physical injuries
 - Physical consequences of captivity, neglect, poor environmental conditions
 - Neurological conditions
14. This may include mental health and psychological indicators for vulnerable persons such as;
 - Trauma which manifests in a number of ways, and this could be as a mental health problem, for example, as anxiety, low mood or suicidal thinking.
 - Psychiatric disorders such as post-traumatic stress disorder (PTSD), complex PTSD, depressive disorders, anxiety disorders and adjustment reactions.

FURTHER ACTION FROM THE PROTECTION TEAM

15. Eligibility officers and other officials need to trigger a follow-up assessment of complex cases. Case escalation allows for case management by officials with

appropriate qualifications and training so that all relevant, independent, specialist assessments and services are accessed and coordinated.

16. Case management can also facilitate expert legal and other advice to aid status resolution in these cases particularly for those unable to engage in the refugee status determination process independently.
17. Officers need to be able to identify the individual's resilience, strengths, family and community ties (current and potential) that support their capacity to remain engaged in the asylum or migration process and to cooperate with the system's requirements.
18. Officers need access to a database of available support services, appropriate for the national and local context.
19. The protection team and other officials need to be able to trigger a follow-up assessment and/or treat of complex cases.
20. The protection team may support an individual's capacity to remain engaged in the asylum or migration process and to cooperate with the system's requirements. They may also provide advice to relevant officials in the process. For example, if the individual is seeking asylum, where necessary and with the consent of the person, the protection team may notify DGIE and/or the RSDC to inform them of any support needs and/or adjustments for the purpose of enabling them to cooperate with the process.
21. As mental health services are delivered at four levels - community level, primary-level health facility, secondary-level health facility, and tertiary (specialised care), Individuals who require such services will be supported to access them.

REFERRAL FOR EXTERNAL SUPPORT, COMMUNITY-BASED PLACEMENT AND OPEN RECEPTION FACILITIES

22. The protection team may decide that further support is required to support a vulnerable person. For example, this may include medical and/or psychosocial support or support within their accommodation facilities. The officer may wish to discuss what support the person wishes to receive and where possible, this should be with the informed consent of the individual. Where this is not possible but in the best interests of the person, the protection team should still take all necessary steps to safeguard the individual.
23. Any referral should be made and recorded in writing. The person may request a copy if they wish.
24. The protection team may wish to discuss a plan of support with the individual for an initial period of up to six months. This should include a reassessment to discuss ongoing support requirements and to ensure any referrals made continue to be in the person's best interests. If further support is required, this would be discussed before the person's case is closed.

TRAINING

25. Training on Safeguarding and protection will be available to all staff in the refugee status determination process with regular updates for existing staff and reception center

staff. Staff and volunteers will be trained to identify the different types of abuse and the procedure to be taken when an allegation of abuse is made or detected,

DATA PROTECTION AND INFORMATION MANAGEMENT

26. Those who are considered to be a Vulnerable Person have a right to independence, choice and self-determination. This includes control where possible over information about themselves, and is it always best practice to obtain consent for sharing information. However, in specific circumstances these rights may be overridden if they are determined to be in best interests of the Vulnerable Person.
27. Information relating to a vulnerable person must be adequately stored with the appropriate safeguards. Data protection principles shall be followed at all times in relation to the processing of personal data, including observing appropriate protocols.
28. Information may be shared, where possible with the consent of the person, to enable the person to be best supported particularly where it supports victims to avoid unnecessary disclosure.

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A15. Agreement on Provision of Legal Aid for Asylum Seekers Between the Ministry of Justice (MINIJUST) and the Rwanda Bar Association (RBA), 1 March 2023

**AGREEMENT ON PROVISION OF LEGAL AID FOR ASYLUM
SEEKERS**

BETWEEN

THE MINISTRY OF JUSTICE (MINIJUST)

AND

THE RWANDA BAR ASSOCIATION (RBA)

1



This Agreement is made on/...../2023, by and between:

The Ministry of Justice, hereinafter referred to as “MINIJUST” with its head office in the City of Kigali, E-mail: info@minijust.gov.rw, Website: www.minijust.gov.rw, represented by Théophile MBONERA, the Permanent Secretary/Solicitor General;

And

The Rwanda Bar Association, hereinafter referred to as “RBA”, with its Address: P.O Box 3762 Kigali, e-mail: info@rwandabar.org.rw, Duly represented by its President, Me Moise NKUNDABARASHI.

Both, **MINIJUST and RBA**, hereinafter called ‘the parties’;

Preamble

Whereas, on 13th April 2022, the Government of the Republic of Rwanda and the Government of the United Kingdom of Great Britain and Northern Ireland entered a Memorandum of Understanding for the Provision of an Asylum Partnership Arrangement to strengthen shared international commitments on the protection of refugees and migrants (UK-Rwanda MEDP), which provides for legal assistance to each relocated individual at every stage of their asylum claim;

Whereas MINIJUST and RBA have existing corporation to provide legal aid services to juveniles in conflict with the law; indigent litigants who cannot afford to pay advocates services before the Supreme Court and the Court of Appeal; indigent detainees transferred to Rwanda from the International Residual Mechanism for Criminal Tribunals or other Countries and other categories of indigents and vulnerable persons;

Whereas the Ministry in charge of Emergency Management (MINEMA) entered into an MOU with MINIJUST on provision of legal aid to asylum seekers from the United Kingdom through the existing corporation between the MINIJUST and RBA to ensure that they are provided with legal assistance in their refugee status application process;

Considering the provisions of the National Legal Aid Policy and other national legal instruments in relation to Legal Aid and in accordance with the Refugee Convention, National and International immigration laws;

Now therefore, in consideration of mutual promises and subject to the conditions contained herein, the parties agree as follows:



Article 1: Definitions

In this agreement:

- a. “**Relocated asylum seekers**” means individuals relocated from the United Kingdom to Rwanda under the UK-Rwanda MEDP Partnership and its Addendum who subsequently apply for refugee status in Rwanda under Rwandan laws to that effect.
- b. “**Legal assistance**” means any legal aid, advice, counselling and/or representation provided by an advocate or persons acting under the supervision of the advocate to relocated asylum seekers under the framework this agreement.

Article 2: Objective of the agreement

The purpose of this agreement is to lay down implementation mechanism of cooperation between both parties in relation to provision of legal assistance to asylum seekers relocated under the UK-Rwanda MEDP.

Article 3: Commitment of RBA

The RBA undertakes to provide legal assistance to relocated asylum seekers at all appeal stages of their asylum claims, in their process of seeking refugee status in Rwanda, as provided for under the relevant laws and procedures in place. This includes legal assistance at the stage of the Ministerial Appeal Board level and legal representation at the stage of the appeal at the High Court in accordance with the relevant rules and procedures in place.

Article 4: Activities covered by this agreement

Activities covered by this agreement shall consist of the legal assistance to the relocated asylum seekers at stages specified under article 3 above as well as any managerial and administrative activities for this Agreement, as necessary.

Article 5: Duties of advocates involved in representation of asylum seekers

Any advocate assigned with providing legal assistance to the relocated asylum seeker shall:

1. Meet the applicant for preparation, assistance at stages specified under article 3.
2. Provide legal advice to the applicant in relation with his/her case;
3. Carefully prepare the case of the assisted /represented applicant;
4. Assist/represent the applicant before all stages specified under article 3;
5. Prepare on time required documents, application or courts submission and pleading notes;
6. File appeals or other possible means provided for by the law;
7. Provide progress reports;



8. Carry out any other lawful activity for the best interest of the applicant.
9. Attend any trainings required by MINIJUST

Article 6: RBA Responsibilities

The Rwanda Bar Association undertakes to:

1. Enter into Contract with Advocates to implement the activities described in article 4;
2. Ensure that service provided by the contracted advocates is adequately delivered;
3. Ensure coordination and management of activities of the contracted advocates;
4. Monitor the performance of the contracted advocates and replace the nonperforming ones;
5. Provide to MINIJUST the Standard Operating Procedures of the end-to-end process of providing advocates to relocated asylum seekers.
6. Prepare and submit to MINIJUST a quarterly progress report. The report shall include narrative and financial aspects as well as status of processed cases with details on the legal assistance provided to relocated asylum seekers, advocate who provided the services, expenses incurred as facilitation fees to provide legal assistance to relocated asylum seekers;
7. Take any measure aimed at improving implementation of this Agreement.
8. Avail advocates who will be providing legal assistance to legal trainings provided by MINIJUST on matters relevant to refugee protection.
9. Participate in awareness programs for asylum seekers on their legal aid rights.

Article 7: MINIJUST responsibilities

The Ministry of Justice undertakes to:

- a) Facilitate the communication between the RBA and other key partners;
- b) Supervise the implementation of this Agreement;
- c) Receive and Approve RBA quarterly progress report;
- d) Organize quarterly information sharing meetings on the implementation of this Agreement;
- e) Appoint a staff to manage this Agreement in collaboration with the focal person from RBA;
- f) Process requests and follow up on payments;
- g) Coordinate awareness programs for asylum seekers on their legal aid rights
- h) Coordinate advocates trainings on the law relating to refugees;

Article 8: Monitoring and Evaluation

7.1. Parties agree to conduct regular Monitoring and Evaluation meetings aimed at enhancing quality assurance of the program and assessing the performance of the Advocates involved in this program.

7.2. The RBA will allow representatives of MINIJUST access to the program headquarters and to all relevant records and documentation for the purpose of monitoring and evaluation of the



program.

Article 9: Reporting requirements

Not later than 15 days after the end of each quarter, the RBA will prepare and submit to MINIJUST:

- a) A progress report explaining the activities that have been undertaken, the milestones that have been reached within the timetable specified and challenges if any and corrective action proposed. Progress reports will be signed by the duly authorized person of the RBA. The agreed-upon template for the progress report is appended to the present Agreement as Annex A.
- b) A financial report summarizing income and expenditure and any variances from the budget. Financial reports shall be signed by the duly authorized person of the RBA.

Article 10: External review

10.1. MINIJUST shall visit RBA quarterly, to assess progress and financial probity.

10.2. In case MINIJUST feels that insufficient progress has been made or that expenditure has been incurred on activities unrelated to the agreed programme, it may withhold or suspend any further transfers until such time the RBA has made sufficient corrective action to the satisfaction of the MINIJUST.

10.3. In case MINIJUST feels that the financial information being provided is inaccurate or inadequate, or if there is insufficient supporting documentation to substantiate any claim for disbursements of the fund, it reserves the right to request an independent audit on RBA expenses in case inaccuracy is confirmed.

Article 11: Monitoring & Evaluation Committee

Both parties agree to establish the Program's M&E Committee which will be composed of the following persons:

- a) The Permanent Secretary/Solicitor General/ MINIJUST (Committee Chairperson);
- b) The Head of the Access to Justice Department in the Ministry of Justice;
- c) The Head of the International Justice and Judicial Cooperation Department;
- d) The RBA President or his/her representative;
- e) The RBA Executive Director or his/her representative
- f) The Representative of MINEMA
- g) Any other person as may be determined by the Parties.

The M&E Committee shall meet once every six (6) months in ordinary session or anytime when deemed necessary.



Article 12: M&E Committee responsibilities

The M&E committee shall have the following responsibilities:

- a) Monitor and evaluate the program;
- b) Formulate recommendations to improve the program implementation;
- c) Decide on the challenges and/or issues that may be raised;
- d) Examine any other matters concerning the program.

Article 13: Confidentiality

The parties shall for all purposes and at all times maintain the details of this agreement as confidential. Further, the parties hereto undertake to maintain as confidential all information, sensitive materials or any other matter, not intended for dissemination that may come in their possession in connection with the program. The parties shall agree in writing to the disclosure of any information obtained under this agreement to a third-party.

Article 14: Facilitation fees

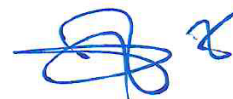
14.1. An agreed-upon amount will be allocated to every case, and shall cover all administrative and court fees required for all steps of the case. RBA will agree with Advocates on fees to be paid on each stage of representation.

14.2. The Ministry of Justice shall forward payment request for facilitation fees for the implementation of activities as detailed in articles 3 of this Agreement to MINEMA which will transfer the funds in advance to RBA.

14.3. Once funds are used up to 85% of disbursed funds, another request for facilitation fees will be submitted to MINEMA for other equal installment.

14.4. The allocation of agreed-upon disbursements will be as follows:

N	Category	Activity description	Amount needed	TVA 18%
1.	Project management and administration	Staff facilitation	1.500.000Rwf/per month	N/A
2.	Legal Aid to Asylum Seekers	Lawyers facilitation fees (lawyers who will assist to Asylum seeker in application process up to ministerial level)	500.000/per case	90.000Rw



	Lawyers Facilitation fee that will assist in appeal at High Court Level	1.000.000Rwf/ per case	180.000f
	Court fees	40.000Rwf	

Article 15: Transfers modalities & Bank Account

The facilitation fees shall be deposited directly by MINEMA to the RBA's following account:

Bank Name: GT BANK RWANDA LTD

Account Holder: RWANDA BAR ASSOCIATION

Account Number: 211/136331/1/5100/0

Article 16: Implementation Committee

16.1. Both parties agree that the coordination, management and administration of the programme under this agreement shall be undertaken by the Implementation Committee established to that effect.

16.2. The implementation Committee shall be composed of the following persons:

- a) A representative of the Ministry of Justice.
- b) A representative of the RBA.
- c) A representative of MINEMA.
- d) Any other relevant person agreed upon by the parties.

16.3. The implementation Committee shall have the following responsibilities:

- a) Compilation of monthly activity progress reports, preparation of quarterly and half-yearly progress reports (a synthesized narrative and financial qualitative and quantitative quarterly report to be submitted to the Ministry of Justice),
- b) receiving queries from Advocates and partners concerning this programme and submitting them to the competent authorities for handling,
- c) monitoring the programme activities,
- d) collecting, analyzing and processing quantitative and qualitative data concerning this



programme,

e) regular communication for effective programme implementation,

f) acquiring stationary for reports & dossiers printing spent on daily coordination and,

g) management and administration of the programme to ensure it delivers its expected results.

16.4. The Implementation Committee shall meet at least once (1) every three (3) months in ordinary session or as necessary.

16.5. The Implementation Committee shall report to the M&E Committee.

Article 17: Agreement modification

This agreement may be modified upon written consent of both parties.

Article 18: Termination

By MINIJUST

MINIJUST may terminate this agreement, by not less than thirty (30) days' written notice of termination to RBA:

- (a) If RBA does not remedy a failure in the performance of their obligations under the agreement;
- (b) If, as the result of Force Majeure, the RBA are unable to perform a material portion of the Services;
- (c) The closing down of RBA as an independent organization;
- (d) Termination of the Asylum Partnership Arrangement between Rwanda and United Kingdom, or
- (e) If MINIJUST, in its sole discretion, decides to terminate this agreement.

By RBA

RBA may terminate this Agreement, by not less than thirty (30) days' written notice to the MINIJUST,

- (f) If funds due is not transfer pursuant to this Agreement and not subject to dispute within forty-five working (45) days after receiving written notice that such transfer is overdue or If, as the result of Force Majeure, the Advocates are unable to perform a material portion of the Services for a period of not less than ninety (90) days.

Once it appears that one of the advocates or more involved in this programme was involved in any unprofessional practice or was professionally misbehaved during the representation/assistance to



the asylum seeker, MINIJUST shall request RBA to make a replacement of that advocate without necessarily terminating the agreement.

Transfer upon Termination

Upon termination of this agreement, a transfer to RBA for the Services satisfactorily performed prior to the effective date of termination will be made; in case there is any fund held by RBA but not due, it will be refunded.

Article 19: Governing law

This agreement and all documents supplemental thereto are governed by and are to be construed in accordance with the laws of the Republic of Rwanda.

Article 20: Force Majeure

For the purposes of this agreement, “Force Majeure” means an event which is beyond the reasonable control of a Party and which makes a Party’s performance of its obligations under the agreement impossible or so impractical as to be considered impossible under the circumstances.

The failure of a Party to fulfill any of its obligations under the agreement shall not be considered to be a breach of, or default under this Cooperation Agreement in so far as such inability arises from an event of Force Majeure, provided that the Party affected by such an event has (a) taken all reasonable precautions, due care and reasonable alternative measures in order to carry out the terms and conditions of this agreement; and (b) informed the other Party as soon as possible about the occurrence of such an event.

Any period within which a Party shall, pursuant to this Agreement, complete any action or task, shall be extended for a period equal to the time during which such Party was unable to perform such action as a result of Force Majeure.

Article 21: Disputes resolutions

The parties agree to use their best efforts to settle amicably any dispute arising out of or in connection with the agreement.

In the event that a dispute arises between RBA and MINIJUST that cannot be settled amicably and by agreement between the parties, the dispute shall be referred to competent courts of Rwanda.



Article 22: Duration of the agreement

Subject to the provision of the Arrangement between Rwanda and United Kingdom, this agreement shall commence from the date it is signed by the parties, and shall continue for a period of 5 years, unless terminated by one of the contracting parties as provided in this Agreement.

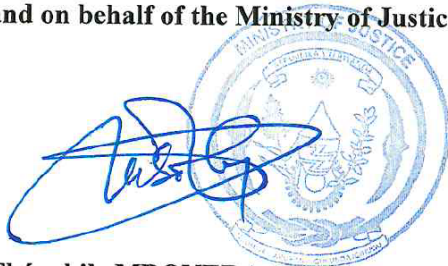
Article 23: Effectiveness of the Agreement

This agreement takes effect on the date of its signature by both parties.

In Witness whereof, the parties have caused this agreement to be duly executed by and through their duly authorized representatives

Done in Kigali, on 01/03/2023

For and on behalf of the Ministry of Justice



Ms. Théophile MBONERA
Permanent Secretary /Solicitor General

**For and on behalf of the
Rwanda Bar Association (RBA)**



Me. Moise NKUNDABARASHI
President

Annex A: Progress report template

QUARTERLY PROGRESS REPORT

Project Title	
Project Start Date:	
Project End Date:	
Year	
Reporting Period	

1. EXECUTIVE SUMMARY
2. PROJECT IMPLEMENTATION PROGRESS
 - A) Coordination
 - B) Achievements in Legal Aid

LEGAL ASSISTANCE TO ASYLUM SEEKERS					
	Boys	Girls	Women	Men	Total
# of identified asylum seekers in need of refugee status					
# of identified asylum seekers assisted to prepare applications.					
# of identified asylum seekers assisted to prepare applications before RSD committee					
# of persons of concern received Refugee status					
# of persons of concern assisted to prepare applications at Ministerial level					



# of persons of concern received refugee status at ministerial level					
# of persons of concern assisted to prepare appeal file					
# of persons of concern assisted before High Court					
# of Persons of concern received refugee status by High court					

3. STATUS OF THE CASES PER CATEGORIES BY TIME OF REPORTING
4. SUCCESS STORIES
5. CHALLENGES AND RECOMMENDATIONS

