

Joanna Cherry QC MP  
Chair of the Joint Committee on Human Rights  
House of Commons  
Westminster  
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14 October 2022

Dear Chair,

Thank you for your letter of 21 July, in which you set out the Joint committee on Human Rights' concerns in respect of the human rights implications of the UK-Rwanda Migration and Economic Development Partnership (MEDP). I will address your points in turn.

You are correct that through this innovative partnership, those individuals who make illegal, dangerous and unnecessary journeys to the UK may now be relocated to Rwanda, who will take responsibility for processing their claims and supporting them. Rwanda will accept physical and legal responsibility for the relocated individuals once they arrive, who will not return to the UK once their asylum claim is decided. Individuals will have all their needs looked after while their asylum claims are being considered in Rwanda. This includes safe and clean accommodation, food, healthcare and amenities. Individuals are free to leave if they wish and they will not be detained. Those in genuine need of international protection however will be provided with it in Rwanda.

With the exception of unaccompanied asylum-seeking children, any individual who has arrived in the UK through dangerous, illegal and unnecessary methods since 1 January 2022 may be considered for relocation to Rwanda. Published Inadmissibility guidance is clear on this and is available here: <https://www.gov.uk/government/publications/inadmissibility-third-country-cases/inadmissibility-safe-third-country-cases-accessible>. Decisions will be taken on a case-by-case basis, and nobody will be relocated if it is unsafe or inappropriate for them. Everyone considered for relocation will be screened and have access to legal advice.

This arrangement between the UK and Rwanda fully complies with national and international law, including the UN Refugee Convention and the European

Convention on Human Rights. Rwanda itself is a State Party to the 1951 UN Refugee Convention and the seven core UN Human Rights Conventions. Working together the UK and Rwanda will help make the immigration system fairer and ensure that people are safe and enjoy new opportunities to flourish. It is by reforming the asylum system and taking bold, international action like this to address the global migration crisis that we can keep providing protection for those who need it, especially those most vulnerable, through proper safe and legal routes.

The UK has a proud record of working with the international community and providing protection. Our resettlement schemes have provided safe and legal routes for over 320,000 people to start new lives in the UK. The UK welcomes individuals at risk through the UK Resettlement Scheme, Mandate Resettlement Scheme, Community Sponsorship and the Afghan Citizens Resettlement Scheme. Additionally, 100,000 people have come to the UK from Hong Kong via the BNO route. We also continue our support for Ukraine in their fight against the Russian invasion and our priority remains to provide safe and secure haven for those fleeing the ongoing conflict. Over 186,500 visas have been granted so far to those who wish to leave Ukraine, with the Ukrainian Sponsorship Scheme allowing Ukrainian nationals and their family members to come to the UK if they have a named sponsor under the Homes for Ukraine Scheme. . These commitments, alongside a fair and firm asylum system, will ensure we continue to offer safe and legal routes to the UK for those in need of protection. Our focus will remain on helping people directly from regions of conflict and instability.

There is no provision within our globally recognised Immigration Rules for someone to be allowed to travel to the UK to seek asylum or temporary refuge. Our inadmissibility provisions, formerly in the Immigration Rules and for newer claims in the Nationality and Borders Act 2022, give us the legal powers to declare an asylum claim as inadmissible where a person has a connection to, or has passed through, a safe third country. The UK does not consider inadmissible asylum claims. It is an established principle in admissibility procedures that individuals should claim asylum in the first safe country they reach, and there is nothing in the UN Refugee Convention which prevents relocation to a safe country. Individuals should not put their lives at risk by leaving safe countries with well-functioning asylum systems and making unnecessary, illegal and dangerous onward journeys to the UK. If they do, they may be suitable for relocation to Rwanda..

By preventing those who arrive through dangerous, unnecessary, and illegal methods and who are therefore considered inadmissible to the UK asylum system to remain here or otherwise abuse the asylum system, the innovative partnership will break the people traffickers' business model by not giving them the prospect of gaining entry to the UK. This prevents the financial exploitation of vulnerable people and protects them from real risks to life. Equally, our arrangement with Rwanda gives those fleeing persecution, or seeking better social and economic prospects, a viable alternative so as to build safe and prosperous lives.

There is no single solution to tackle the issue of illegal migration. I have consistently

said there is no silver bullet. While I understand it is not possible for HMG to accurately model the deterrent effect from day one, together with Rwanda, we are confident this policy is our best chance at producing that effect. It is only by introducing new incentives and effective deterrents into the system, as our international partners like Denmark, Greece, and Australia have succeeded in doing, that we can take on the criminal gangs facilitating illegal entry and break their lethal business model.

In relation to the Ministerial Direction that was issued, the Permanent Secretary letter on this made clear that he considered it is regular, proper and feasible to proceed with this policy in the light of the illegal migration challenge the country is facing. It is the responsibility of the Permanent Secretary, as Principal Accounting Officer, to ensure the Department's use of its resources is appropriate and consistent with the requirements set out in Managing Public Money. However, hotel usage is costing the British taxpayer over £6m a day and we must commit to explore all options to end this criminal enterprise and deadly trade.

On your question of the ability to challenge for individuals who are relocated, I refer you to the answer the Permanent Secretary gave to you on 8 June 2022, explaining that everyone eligible for relocation under the Migration Economic Development Partnership is asked if they have representation and will have access to legal advice and the ability to make representation before a decision is made. Anyone under consideration for relocation to Rwanda will have this confirmed to them specifically in a Notice of Intent issued to them. Individuals in detention have seven calendar days from the date of that notice to submit reasons about why their protection claim should not be treated as inadmissible, or why they should not be required to leave the UK and be relocated to Rwanda. Those being removed by charter flights, like those who were scheduled to be relocated on the 14 June, are served Removal Directions which give individuals a minimum of five working days' notice of removal to seek legal advice.

Detained individuals are advised of their right to legal representation, and how they can obtain such representation, soon after their arrival at an immigration removal centre (IRC). This signposting occurs on a minimum of two occasions; during the induction provided by the supplier, and again during the Home Office Detention Engagement Team induction thereafter.

The Legal Aid Agency (LAA) operates free legal advice surgeries (Detained Duty Advice Scheme) in IRCs in England. Individuals who are detained are entitled to receive up to 30 minutes of advice regardless of financial eligibility or the merits of their case. There is no restriction on the number of surgeries an individual may attend.

Detained individuals can also utilise private legal representation (outside of the legal aid Detained Duty Advice Scheme). Everyone detained in IRCs is provided with a mobile phone and has access to landline telephones on request as well as fax machines, email and video calling facilities which can all be used to contact legal representatives.

The constitution of Rwanda includes a broad prohibition on discrimination, guaranteeing the rights of individuals there. They are a regional and international leader, seeking to find solutions to global challenges such as the migration crisis. It is also internationally recognised for its safety, strong governance, low corruption, and gender equality. Indeed, the European Union and the United Nations High Commissioner for Refugees (UNHCR) work in partnership to place individuals from Libya to Rwanda for the purposes of providing sanctuary, through the Emergency Transit Mechanism. I should also add that Rwanda is acting out of a desire to help and should be applauded for helping identify solutions to the global migration challenge.

As with any policy, there were discussions across Government throughout the development of MEDP. Issues were addressed in the Home Office Country Policy and Information Notes (CPIN) report. This assessment of Rwanda and their asylum process found it is a fundamentally safe and secure country with a track record of supporting asylum seekers, including working with the UNHCR which confirmed the country has a safe and protective environment for refugees. It is a robust report which considered many sources and demonstrates our commitment to fully evaluating whether Rwanda's suitability for each individual set to be relocated. The CPIN will inform individual decisions on potential relocation to Rwanda under our inadmissibility policy, but these decisions will be taken based on an individual consideration of each person based on their specific circumstances. As mentioned previously, no one will be relocated if it unsafe or unsuitable for them.

Finally, the Memorandum of Understanding (MoU) with Rwanda sets out that they will process claims in accordance with the UN Refugee Convention, national and international human rights laws, and will ensure individuals protection from inhuman and degrading treatment. We have worked together to ensure arrangements are in place to allow relocated individuals to access interpretation services when needed. Individuals will also be able to seek legal assistance. As set out in the MoU, an independent Monitoring Committee was appointed on 2 September. This is made up of members with a diverse range of expertise, including within the human rights, migration, asylum, international law and business sectors.. They are responsible for reviewing and reporting on the delivery of the Partnership, including monitoring the end-to-end operations from the UK to Rwanda. The Monitoring Committee will produce a summary report for publication once a year. Details of the Committee Members and the Terms of Reference can be found here:

<https://www.gov.uk/government/publications/monitoring-committee-migration-and-economic-development-partnership>

Our ground-breaking arrangement with Rwanda is vital to overhauling the broken asylum system, preventing loss of life in the Channel and breaking the business model of evil people smugglers. Rwanda has been recognised globally for their record in welcoming and integrating migrants and asylum seekers, and as set out above, our own comprehensive assessment of Rwanda has found it is a fundamentally safe and secure country.

Thank you for taking the time to write to me about this important issue.

Yours sincerely

with all your wishes  
Rt

**Rt Suella Braverman MP**