



House of Commons
Home Affairs Committee

UK-Rwanda treaty: provision of an asylum partnership

Second Report of Session 2023–24

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 10 January 2024*

Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

[Rt Hon Dame Diana Johnson MP](#) (*Labour, Kingston upon Hull North*) Chair

[Rt Hon Diane Abbott MP](#) (*Independent, Hackney North and Stoke Newington*)

[Lee Anderson MP](#) (*Conservative, Ashfield*)

[James Daly MP](#) (*Conservative, Bury North*)

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[Marco Longhi MP](#) (*Conservative, Dudley North*)

[Tim Loughton MP](#) (*Conservative, East Worthing and Shoreham*)

[Alison Thewliss MP](#) (*Scottish National Party, Glasgow Central*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

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Committee reports are published on the Committee's website at www.parliament.uk/homeaffairscom and in print by Order of the House.

Committee staff

The current staff of the Committee are Gigs Banga (Committee Specialist), Nerys Davies (Committee Specialist), Sonia Draper (Committee Operations Manager), Maz Keating (Second Clerk), Penny McLean (Committee Specialist), Benedict Morter (Committee Operations Officer), Rebecca Owen-Evans (Committee Specialist), George Perry (Senior Media and Communications Officer), Noorjehan Piperdy (Committee Specialist), Laudy Samra (Assistant Inquiry Manager Apprentice) and Chris Stanton (Acting Clerk).

Contacts

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UK-Rwanda treaty

Migration and Economic Development Partnership with Rwanda

1. The UK intends to send some people who would otherwise claim asylum in the UK to Rwanda to seek asylum there. The UK and Rwanda agreed a Migration and Economic Development Partnership (MEDP) in April 2022, which included a five-year ‘asylum partnership arrangement’ contained in a non-binding memorandum of understanding.
2. The Supreme Court on 15 November 2023 concluded that the Government’s policy of sending to Rwanda under the MEDP individuals who arrive in the UK without authorisation was unlawful. This was because it found that there were substantial grounds for believing that asylum seekers removed to Rwanda would be at real risk of ‘refoulement’ (that is, being returned to a country where they might face persecution, inhuman or degrading treatment or death).
3. Following the Supreme Court judgement, the Government has decided to continue with its policy. In doing so it is seeking to address the matters in the Supreme Court judgement. As well as the treaty with Rwanda with which this report is concerned, it has published the Safety of Rwanda (Asylum and Immigration) Bill.
4. The Bill seeks to confirm Rwanda as a safe third country, with a view to enabling the removal to Rwanda under the Immigration Acts of persons who arrive in the UK seeking asylum. The UK-Rwanda treaty is intended to be the mechanism by which Rwanda’s safety as a third country is established. Under Clause 9(1), the Bill provides that the Act would come into force on the day on which the UK-Rwanda treaty enters into force.

Treaty with Rwanda

5. The UK Home Secretary and Rwanda’s Minister of Foreign Affairs signed a new asylum partnership treaty on 5 December 2023. It was laid before Parliament on 6 December 2023.
6. The House of Commons Library has described the differences between the treaty and the previous memorandum of understanding (MOU) as follows:

The treaty was concluded in response to the UK Supreme Court ruling that the asylum partnership was unlawful. Its core concern was that Rwanda would remove refugees to countries where they would face persecution, despite the promises in the MOU. [...]

Unlike the original MOU, the treaty is legally binding. The Government considers this significant in providing a firmer guarantee that refugees will not be removed from Rwanda in breach of the agreement.

Paragraph 10(4) of the MOU had envisaged that people refused asylum in Rwanda could ultimately be removed from the country. Article 10 of the treaty explicitly rules this out and provides that anyone who does not qualify for asylum will nonetheless be given a permanent residence permit.

Annex B of the treaty provides for new institutions to decide asylum applications and appeals by people relocated to Rwanda. Both decision-makers and judges will be required to consult independent experts, and some judges will not be Rwandan. A ‘note verbale’ accompanying the original MOU had provided for some procedural safeguards but not to the same extent as in the treaty.

In paragraph 11 of the MOU, relocated people could be brought back from Rwanda “should the United Kingdom be legally obliged to facilitate that person’s return”. Under Article 11 of the treaty, the UK can request that a person be brought back for any reason (although this provision is under the heading “Facilitation of United Kingdom court proceedings and court orders and return to the United Kingdom”).

The powers of the independent Monitoring Committee have been expanded. It can now set its own terms of reference and publish reports of its inspections as it sees fit (the Home Office does not permit the UK’s own immigration inspectorate to do this). The committee has been tasked with setting up a complaints system. It can also hire staff.

Article 3 of the treaty specifies that the rights of relocated people apply “regardless of their nationality, and without discrimination”. This was not in the MOU and may reflect the Supreme Court’s comments about the treatment of Middle Eastern asylum seekers in Rwanda.

Article 22 contains a mechanism for the UK and Rwanda to resolve disputes about the agreement. This includes arbitration. The MOU had explicitly ruled out any external dispute resolution mechanism.¹

7. The treaty, with an explanatory memorandum, was laid before Parliament on 6 December 2023 as Command Paper CP 994.² The treaty will not come into force until it has been ratified by both countries.

Parliamentary scrutiny of UK-Rwanda treaty

8. Erskine May describes the parliamentary process relating to a treaty as follows:

Under Part 2 of the Constitutional Reform and Governance Act 2010, a treaty requiring ratification is to be laid before Parliament for 21 sitting days, and may then be ratified if neither House has resolved that it should not be. If the House of Commons resolves against the treaty, the Minister may lay a statement that they are of the opinion that the treaty should be ratified and explaining why, and may then ratify the treaty after another period of 21 sitting days unless the House of Commons resolves again that the treaty should not be ratified. If the House of Lords has resolved against the treaty but the House of Commons has not, the Minister may ratify the treaty immediately after laying a statement of this opinion.³

1 House of Commons Library Research Briefing, [The UK-Rwanda Migration and Economic Development Partnership](#), 6 December 2023, section 1.4

2 The treaty is available [here](#)

3 [Erskine May, Parliamentary Practice, Paragraph 31.17](#)

9. The 21-day period ends on 31 January 2024, unless there are changes to currently planned parliamentary sitting days.

10. The House of Commons would only be able to reach a view within the 21-day period on whether the treaty should be ratified if time is made available on the floor of the House for a debate and decision on it. The most obvious way in which such time could be found would be for the Government to provide it.

11. Whatever view one may take of its merits or otherwise, the new UK-Rwanda treaty is clearly of significant legal and political importance. It is also closely connected with the Safety of Rwanda (Asylum and Immigration) Bill which is currently before the House of Commons.

12. The House of Commons should be able to debate and reach a view on a treaty of such significance. This is particularly important in this case, because the treaty could be ratified and have effect even in the absence of the Bill becoming an Act for any reason.

13. We therefore recommend that the Government provide time for the UK-Rwanda treaty to be debated in the House of Commons, and for the House to be able to record its view as to whether the treaty should be ratified, before the expiry of the period of 21 sitting days provided for under Section 20 of the Constitutional Reform and Governance Act 2010.

Formal minutes

Wednesday 10 January 2024

Members present

Dame Diana Johnson, in the Chair

Lee Anderson

James Daly

Simon Fell

Carolyn Harris

Tim Loughton

Alison Thewliss

UK-Rwanda treaty: provision of an asylum partnership

Draft Report (*UK-Rwanda treaty: provision of an asylum partnership*) proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 13 agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

Adjourned till Wednesday 17 January 2024 at 9.00am.

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2023–24

Number	Title	Reference
1st	Human trafficking	HC 124
1st Special Report	Drugs: Government Response to the Committee's Third Report of Session 2022–23	HC 127

Session 2022–23

Number	Title	Reference
1st	Channel crossings, migration and asylum	HC 199
2nd	Asylum and migration: Albania	HC 197
3rd	Drugs	HC 198
4th	Terrorism (Protection of Premises) draft Bill	HC 1359
5th	Policing Priorities	HC 635
1st Special Report	The Macpherson Report: twenty-two years on: Government Response to the Committee's Third Report of Session 2021–22	HC 274
2nd Special Report	Spiking: Government Response to the Committee's Ninth Report of Session 2021–22	HC 508
3rd Special Report	The investigation and prosecution of rape: Government Response to the Committee's Eighth Report of Session 2021–22	HC 507
4th Special Report	Channel crossings, migration and asylum: Government Response to the Committee's First Report	HC 706
5th Special Report	Asylum and migration: Albania: Government Response to the Committee's Second Report	HC 1818

Session 2021–22

Number	Title	Reference
1st	Violence and abuse towards retail workers	HC 141
2nd	The UK's offer of visa and settlement routes for residents of Hong Kong	HC 191
3rd	The Macpherson Report: Twenty-two years on	HC 139

Number	Title	Reference
4th	Appointment of the Chair of the Gangmasters and Labour Abuse Authority	HC 814
5th	The Windrush Compensation Scheme	HC 204
6th	Police Conduct and Complaints	HC 140
7th	Appointment of Her Majesty's Chief Inspector of Constabulary and Her Majesty's Chief Inspector of Fire & Rescue Authorities in England	HC 1071
8th	Investigation and prosecution of rape	HC 193
9th	Spiking	HC 967
1st Special Report	Violence and abuse towards retail workers: Government Response to the Committee's First Report	HC 669
2nd Special Report	The UK's offer of visa and settlement routes for residents of Hong Kong: Government Response to the Committee's Second Report	HC 682
3rd Special Report	The Windrush Compensation Scheme: Government Response to the Committee's Fifth Report	HC 1098
4th Special Report	Police conduct and complaints: Government Response to the Committee's Sixth Report	HC 1264

Session 2019–21

Number	Title	Reference
1st	Home Office preparedness for Covid-19 (Coronavirus): Policing	HC 232
2nd	Home Office preparedness for Covid-19 (Coronavirus): domestic abuse and risks of harm within the home	HC 321
3rd	Home Office preparedness for Covid-19 (coronavirus): immigration and visas	HC 362
4th	Home Office preparedness for COVID-19 (Coronavirus): institutional accommodation	HC 562
5th	Home Office preparedness for COVID-19 (coronavirus): management of the borders	HC 563
6th	Appointment of the Independent Chief Inspector of Borders and Immigration	HC 1024
1st Special Report	Serious Youth Violence: Government Response to the Committee's Sixteenth Report of Session 2017–2019	HC 57
2nd Special Report	Home Office preparedness for Covid-19 (coronavirus): domestic abuse and risks of harm: Government Response to the Committee's Second Report	HC 661
3rd Special Report	Home Office preparedness for Covid-19: coronavirus: policing: Government Response to the Committee's First Report	HC 660

Number	Title	Reference
4th Special Report	Home Office preparedness for COVID-19 (coronavirus): immigration and visas: Government Response to the Committee's Third Report	HC 909
5th Special Report	Home Office preparedness for COVID-19 (coronavirus): institutional accommodation: Government Response to the Committee's Fourth Report	HC 973
6th Special Report	Home Office preparedness for COVID-19 (coronavirus): management of the borders: Government Response to the Committee's Fifth Report	HC 974