GOVERNMENT RESPONSE TO THE HOUSE OF LORDS INTERNATIONAL AGREEMENTS COMMITTEE REPORT ON ITS INQUIRY: SCRUTINY OF INTERNATIONAL AGREEMENTS: UK–RWANDA AGREEMENT ON AN ASYLUM PARTNERSHIP

Introduction

The government notes the House of Lords International Agreements Committee ("IAC" or the "Committee") report on its inquiry into the "UK-Rwanda Treaty: provision of an asylum partnership" ("UK-Rwanda Treaty"), which was published on 17 January 2024.

The government has carefully considered the Committee's report and sets out below its response to the Committee's recommendations, conclusions, and other points. The Committee's findings are in bold and are referred to using the same paragraph numbers as used in its report. Not all the paragraphs in the Committee report require a response and so will not be included in this document. Lengthy paragraphs may be partially quoted but will be quoted verbatim. The government's responses are in plain text.

Response

> **4. The statutory deadline for Parliamentary scrutiny of a treaty is 21 sitting days, which is a very short period to allow for proper consideration and debate of a politically significant international agreement such as the UK-Rwanda Treaty. The Government has made the UK-Rwanda Treaty scrutiny process more difficult by releasing a large quantity of relevant new information more than a month after laying the UK-Rwanda Treaty in Parliament at the same time as revising information which it published only in December, thus preventing full scrutiny by witnesses to this inquiry. The Government also delayed sending replies to the Committee's inquiries. This conduct illustrates more generally the defects and limitations of the current statutory framework for scrutinising treaties under the Constitutional Reform and Governance Act 2010 (CRaG), which is in need of reform.**

The government recognises that the UK-Rwanda Treaty is a significant international agreement. Under Part 2 of the Constitutional Reform and Governance Act 2010 (CRaG), a treaty is required to be laid before Parliament for 21 sitting days without either House having resolved that the UK should not demonstrate its consent to be bound by it before it can be brought into force. The government has followed the normal process for the UK-Rwanda Treaty as with all other treaties under CRaG.

On 12 December 2023, the government published an extensive policy statement setting out its assessment of the safety of Rwanda for the purposes of relocating individuals under the Migration and Economic Development Partnership ("MEDP"). The policy statement was revised to reflect the release of additional evidence to which it refers ("the evidence pack"), which was released on 11 January and

available here, https://www.gov.uk/government/collections/the-safety-of-rwanda-asylum-and-immigration-bill under the "Safety of Rwanda (Asylum and Immigration) Bill: policy statement and evidence pack" section. The evidence pack is intended to be read alongside the UK-Rwanda Treaty, policy statement and the Safety of Rwanda Bill ("the Bill").

The government disagrees with the Committee's assertion that the UK-Rwanda Treaty scrutiny process has been made more difficult by the timing of the evidence pack's publication. The Government places great importance in providing opportunity for Parliamentary scrutiny in both Houses. In the Commons, the UK-Rwanda Treaty has been thoroughly scrutinised as part of the passage of the Bill/Act, which is intrinsically linked to and gives legal effect to the UK-Rwanda Treaty.

In the Lords, the government notes the appearance of the Home Secretary before the Committee's 19 December 2023 hearing, and his follow-up letter in response to the IAC inquiry. The government also notes its participation in the 22 January House of Lords debate on the Committee's inquiry report. The government notes the extensive time the House of Lords has had to scrutinise the Bill/Act and UK-Rwanda Treaty.

> **5. Some witnesses cast doubt on the compatibility of this arrangement with the Refugee Convention, as does the UN High Commissioner for Refugees (UNHCR), but this was not an issue which was the subject of the recent Supreme Court judgement.**

Both the Court of Appeal and the High Court found that the principle of relocating individuals to safe third countries for their protection claims to be assessed there was lawful and consistent with the UK's obligations under the Refugee Convention. The Supreme Court did not disturb this. the fact the Supreme Court did not disturb this does not mean the lawful status of the core principle behind the partnership is ambiguous.

> **7. The MoU was not a treaty and was not therefore laid before Parliament under CRaG. This Committee nevertheless considered that it was a significant international instrument that warranted Parliamentary scrutiny. We reported on the MoU on 18 October 2022. The Report focused on the legal form of the MoU rather than the substance of the MEDP. We concluded that the MEDP should have been established through a legally binding international agreement to allow for both legal enforceability and appropriate Parliamentary scrutiny given its significant political and human rights implications.**

The government notes its response to the Committee's inquiry into the use of non-legally binding instruments ("NBI"), such as memoranda of understanding ("MoU"). Without repeating that response, it is important to confirm that, despite having introduced the legally binding UK-Rwanda Treaty as part of its response to the Supreme Court's conclusions, the government remains of the view that it is right for departments and partner countries to have the flexibility to choose the appropriate instrument to deliver their policies. MoUs are a common mechanism for establishing

an arrangement or partnership between countries. The government maintains its discretion to negotiate and conclude MoUs, treaties and other international instruments in support of UK national interests.

There has never been a convention whereby non-legally binding arrangements are routinely submitted for Parliamentary scrutiny. This is borne out by the consistent practice of successive governments of all stripes. To construct a new framework for the use of NBIs would risk restricting the ability of any government to act on the international stage and effectively exercise its powers under the Royal Prerogative.

We will continue to draw Parliament's attention to non-legally binding instruments wherever it is appropriate to do so.

> **13. The separation of powers requires both the courts and Parliament to exercise restraint and to respect the proceedings and rulings of the other. It would therefore be constitutionally inappropriate for Parliament to seek through statute to overturn findings of fact by the Supreme Court, especially when the Bill includes an ouster clause excluding judicial review. Although the Government is arguing that the facts have changed because of the UK-Rwanda Treaty, in our view it is still particularly important that, when assessing the UK-Rwanda Treaty, this Committee—and Parliament more widely—should pay close attention to the reasoning of the UK Supreme Court in finding that Rwanda was not a safe country.**

In its 15 November 2023 judgment, which was based on information provided to the Court on Rwanda up until summer 2022, the Supreme Court recognised that changes could be made in the future which could address the conclusions they came to. The government's position is that the UK-Rwanda Treaty, alongside evidence of work conducted with the Government of Rwanda since summer 2022, delivers these changes. The UK-Rwanda Treaty respects and responds to its key findings. The Bill gives Parliament the opportunity to scrutinise the UK-Rwanda Treaty, and wider evidence, to determine that Rwanda is a safe country.

> **21. Some witnesses to this inquiry doubted that, even once these legal and practical steps have been completed, the protections outlined in the UK-Rwanda Treaty processes could change the assessment that Rwanda is not a safe country, due to wider concerns identified in the Supreme Court judgment about Rwanda's human rights record and compliance with its international obligations. Other witnesses argued that the framework outlined in the UK-Rwanda Treaty should be tested for a period of time before it could provide a reliable basis for making that assessment:**

The government notes paragraphs 34-38 of the Committee's report which also cover this issue. The government's Policy Statement, paragraphs 58-65, discuss this in detail. These alleged incidents do not set a relevant precedent for Rwanda's future performance, nor do they imply Rwanda will not adhere to its obligations under our treaty.

The terms of the arrangement between Israel and Rwanda, for example, are not available for scrutiny. That arrangement was neither transparent nor monitored as the partnership between the UK and Rwanda will be. The scheme referenced was voluntary, open-ended and did not openly commit to a guaranteed acceptance or custodial role on the part of Rwanda. The government's position is that this bears little resemblance to our UK-Rwanda Treaty, and direct comparisons are not applicable.

In his evidence submitted to the Committee, Dr Joseph Mullen, former United Nations Programme Manager for both Rwanda and Burundi, said: *"(18.) The terms of the Agreement between Israel and Rwanda is not available for scrutiny so failure of compliance is an unproven assumption by the Court rather than a fact. The Israeli scheme was voluntary, open-ended and did not openly commit to a guaranteed acceptance or custodial role on the part of Rwanda, so bears little resemblance to the UK-Rwanda Treaty with little or no observable lessons to be learned. It is an unfortunate legal precedent to have been cited by the Court in the context of refoulement."*

Our UK-Rwanda Treaty is a legally binding agreement with Rwanda, a country with which the UK has a strong and lengthy pre-existing relationship through its Commonwealth status, trade and cooperation on issues like terrorism and climate change. Foreign, Commonwealth and Development Office expert opinion is reflected throughout the government's Policy Statement and informed the government's assessment as to the safety of Rwanda. Rwanda is a signatory to key international agreements protecting the rights of refugees and eight international human rights instruments. Rwanda has been internationally recognised, such as by the World Economic Forum and World Justice Project's Rule of Law index, for its general safety and stability, strong governance, low corruption and gender equality.

The government notes the existing relationship between the UNHCR, other non-governmental organisations, the EU and Rwanda for the purposes of asylum and humanitarian protection. Rwanda hosts over 135,000 refugees and asylum seekers and, in addition, was chosen by the UNHCR to host the Emergency Transit Mechanism ("ETM"), providing safety to nearly 2,000 people seeking safety from Libya as of December 2023. The EU also financially supports the ETM, having recently announced a further €22 million support package for it.

The government's position is that Rwanda is a safe country that cares deeply about refugees and stands ready to receive relocated individuals under our partnership. Parliament's scrutiny of the UK-Rwanda Treaty and Safety of Rwanda Act provided Parliament the opportunity to recognise and give effect to this in law.

22. This chimes with the approach of the Supreme Court which drew a distinction between Rwandan law and practice. The existing Rwandan asylum law had been assessed by UNHCR as being compliant with international standards. It was the practical operation and application of this law that caused concern. The UK-Rwanda Treaty introduces new procedures to try and address those concerns but, as the Supreme Court noted, "the necessary changes may not be straightforward, as they

require an appreciation that the current approach is inadequate, a change of attitudes, and effective training and monitoring".

The governments of the UK and Rwanda have worked closely together since Summer 2022 to strengthen Rwanda's asylums system, embed understanding of the legal frameworks in which the partnership operates, and implement rigorous monitoring mechanisms. The Supreme Court recognised that changes may be made to address its conclusions. Since then, in respect of this judgment, both governments have further strengthened these provisions and assurances, including through our UK-Rwanda Treaty which is binding in international law.

23. A separate point was made in the Home Office Policy Statement which draws attention to a decision in February 2023 in which the Rwandan High Court overturned a decision not to grant refugee status.37 This is cited as new evidence to rebut the Supreme Court's conclusion that the Rwandan courts and legal profession might not operate independently in politically sensitive cases. We asked the Home Office to provide further details of this judgment to verify whether or not it was a politically sensitive case, but they have indicated that the judgment has not been released for publication by the Rwandan Government. The lack of transparency undermines confidence in the Government's contention.

It is for the judiciary and Government of Rwanda to determine if, when and how court rulings are released. It is not for the UK Government to pre-empt such releases. Nevertheless, the UK Government understands that the ruling referenced is publicly available, but currently only in the Kinyarwandan language. Although the UK-Rwanda Treaty further strengthens the appeals process, it is important to note that the overturning of the initial decision, which had been upheld at Ministerial Appeal, indicates that there *is* already an effective right of appeal to the High Court in Rwanda under current systems, and that the courts *are* willing to find against the Rwandan government in practice.

24. The next issue was training. The Home Office Policy Statement provides details of further training in asylum procedures and the Refugee Convention provided to Rwandan officials. This indicates that 104 officials were trained in sessions during 2023. Further training is planned. The Policy Statement also refers separately to training for officials screening persons with vulnerabilities,38 but it is not clear if this has already been provided and, if so, to how many. This training may well improve the capacity of Rwanda to comply with its obligations under the Refugee Convention but will take time.

The UK-Rwanda Treaty ensures the strengthening of the decision-making process in Rwanda in respect of protection claims. This includes, for example, a new First Instance Body which will take initial decisions. This body will be assisted by independent experts for the first 6 months, in order to supplement initial training and provide on-going mentoring and expert support as well as providing a safeguard. The government rejects the suggestion that the robustness of the decision-making process undertaken by Rwandan decision makers – many of whom will have

experience of working in the asylum space - will be inadequate, or that Rwanda is incapable of making appropriate decisions. In any case, the specialist asylum Appeals Body will hear cases afresh.

Since the partnership was announced, the UK has invested significant time and resources with the Government of Rwanda to ensure that individuals relocated under the agreement will be safe and that their rights will be protected alongside strengthening Rwanda's asylum system. The UK and Rwanda have developed and commenced operational training for Rwandan asylum decision-makers, established clear Standard Operating Procedures, and strengthened procedural oversight of all processes. The evidence pack demonstrates the progress made in putting into practice the necessary arrangements, including the delivery of operational training, which is an ongoing process.

Further asylum training will be delivered by the Home Office asylum training team in Kigali, focusing on decision-making for caseworkers. This is currently scheduled to take place on 29 April. This will support delivery of their new asylum legislation operating under a single case-worker model. Bespoke safeguarding training will also be delivered by the Office of the Children's Champion, supported by the processes now outlined in Government of Rwanda's Standard Operating Procedures on safeguarding vulnerable persons.

27. Second, the powers of the Monitoring Committee to address breaches of the UK-Rwanda Treaty are weak. The UK-Rwanda Treaty states that the parties shall "without delay afford access to all information and inspection facilities" that the Monitoring Committee requests, but there appears to be no means for the Committee to enforce this requirement. Lord Anderson of Ipswich told us that "you really need … powers to summon people, to require information to be produced and to require meetings with people without government officials present".

The UK-Rwanda Treaty enhances the role of the independent Monitoring Committee. It will ensure obligations under the UK-Rwanda Treaty are adhered to in practice and will be able to take steps to prevent errors at an early stage. It will have the power to set its own priority areas for monitoring and have unfettered access for the purposes of completing assessments and reports.

The Monitoring Committee will monitor the entire relocation process from beginning, including initial screening, to relocation and settlement in Rwanda. This includes the ability to make unannounced visits to accommodation, asylum processing centres and any other locations where documents or information relating to Relocated Individuals, or their claims and appeals is held. The Monitoring Committee will also be able to observe interviews by the First Instance Body with the express consent of the individual being interviewed. The Monitoring Committee will also be able to observe hearings before the Appeal Body.

Real-time monitoring of the Partnership will be undertaken for at least the first three months, but this is extendable. The Monitoring Committee will report on its findings to the Joint Committee and, following notification to the Joint Committee, it may publish its reports as it sees fit.

28. The Home Office Policy Statement makes clear that it is only during the three-month enhanced monitoring period that monitoring will take place daily in real-time. The Terms of Reference indicate that, after that period, on the ground monitoring will be relatively infrequent. Furthermore, the Monitoring Committee can only make recommendations to the Joint Committee which the parties have no obligation to accept. Nor is there any obligation to make these recommendations public.

The Monitoring Committee will provide real-time, comprehensive monitoring of the end-to-end relocation and claims process with an initial period of enhanced monitoring and reporting, to ensure compliance with the UK-Rwanda Treaty obligations. The principle of the enhanced phase is to ensure that the first Relocated Individuals going through the end-to-end process are fully covered by monitoring activities.

The government disagrees with the assertion that monitoring activity will be infrequent or insufficient after the initial enhanced period. The Monitoring Committee will not cease to operate after the initial three-month period. At the end of the enhanced monitoring period, as decided upon review, the Monitoring Committee will continue to monitor compliance in line with the 'General Monitoring' provisions of its Terms of Reference and as set out in its Monitoring Plan. This enhanced phase will be reviewed by the Monitoring Committee prior to the end of the three-month period with a view to extend the phase in three-month intervals, up to twelve months, if required.

Mechanisms established by the Monitoring Committee, such as the complaints procedure, will remain in place and Relocated Individuals will be able to continue to rely on them. The terms of reference and monitoring plan for the monitoring committee clearly lay out the robust monitoring throughout the partnership.

29. Third, Lord Anderson of Ipswich, who reviewed monitoring processes in the context of the Government's "deportation with assurances" policy when he was the Independent Reviewer of Terrorism Legislation, told us that effective monitoring is highly resource intensive.

The Monitoring Committee's terms of reference and action plan, released as part of the evidence pack, defines the members' role and how they will monitor the partnership.

The Monitoring Committee will be supported in all its work by a support team, who will be independent of both of the governments of the UK and Rwanda and will not be individuals who are employees of either government. This will further enhance the Monitoring Committee's 'on the ground' capability.

The Monitoring Committee will be appropriately resourced. The Joint Committee will allocate to the Monitoring Committee an annual budget. This is separate from and in addition to the funding provided to Rwanda under the partnership's Economic Transformation and Integration Fund and operational processing costs.

30. Fourth, as the Supreme Court noted, "The detection of failures in the asylum system by means of monitoring, however effective it may be, will not prevent those failures from occurring in the first place". The nature of the monitoring system after the initial three-month period as noted in paragraph 28 above appears to rely mainly on ex-post identification of issues and complaints being raised by Relocated Individuals.

The UK-Rwanda Treaty is binding in international law. The Supreme Court and some of the witness evidence submitted to the IAC recognised that Rwanda has financial and reputational incentives to deliver on the partnership. The Government of Rwanda has released numerous statements since the partnership's inception reiterating their commitment to the partnership and, moreover, of their deep care for refugees and asylum seekers. Rwanda has a genuine desire to stand on the world stage and help tackle the global problem of uncontrolled migration. The Government is of no doubt that Rwanda will fulfil its international obligations.

The Monitoring Committee will implement an enhanced monitoring and reporting process during the initial three months, starting from the date removal decisions commence in the UK. This may be extended. In the initial phase, the Monitoring Committee will place particular emphasis on monitoring asylum procedures, asylum case assessments, and any asylum decisions made in this timeframe.

33. In reaching its assessment, the Supreme Court emphasised the need to consider Rwanda's operation of its asylum system in practice. While we acknowledge the efforts made by both the Home Office and the government of Rwanda to address the issues raised, we agree that these are unlikely to result in fundamental change in the short term.

The UK-Rwanda Treaty lays out clearly the obligations which will be met by both parties. The UK and Rwandan governments have worked together to implement significant changes to the Rwandan asylum system to address the Supreme Court's conclusions. The asylum system in place now is fundamentally different to that in effect at the time of the Supreme Court's considerations. Nobody will relocated if doing so would be unsafe for them. The operation of this system in practice will be closely monitored and assessed by the Joint Committee and enhanced Monitoring Committee.

40. While some witnesses doubted the capacity of Rwanda to deal with the concerns raised under these headings, witnesses also highlighted the lack of information or detail in the UK-Rwanda Treaty and accompanying documentation which made it difficult to assess how these issues would be addressed. Some further information on these issues has been made available by the Home Office as part of the

collection of documents published on 11 January 2024, but this was too late for the expert witnesses to this inquiry to comment. Some of this additional information remains vague, for example regarding the nature of Rwanda's plans to safeguard vulnerable individuals.

The evidence pack was released when it was ready, and in good time to allow Parliament to consider it alongside its scrutiny of the UK-Rwanda Treaty and Bill. Good governance calls for important information to be released when it has been quality assured and when it is appropriate to do so.

Officials will have due regard to the psychological and physical signs of vulnerability of all relocated persons at any stage of the application and integration process. The UK-Rwanda Treaty ensures Rwanda will provide appropriate support and assistance to those with vulnerabilities, including those who are appropriately identified as victims of modern slavery and human trafficking.

The Government of Rwanda has systems in place to safeguard relocated individuals with a range of vulnerabilities, including those concerning mental health, gender-based violence, and addiction. In the evidence pack released on GOV.uk on Thursday 11 January, Annex 1 to the Country Information Notes (Government of Rwanda (GoR) evidence) contains detailed Standard Operating Procedures (SOPs) which will be followed in the status determination process, the provision of medical care and accommodation facilities, and guidance on the standards to be met by service provides and Rwandan Government officials when identifying and safeguarding relocated individuals with vulnerabilities. Interpreters will be available as required to ensure relocated individuals can make their needs known and all interviews will be conducted with sensitivity for the individual's wellbeing. All relocated individuals will receive appropriate protection and assistance according to their needs including referral to specialist services, as appropriate, to protect their welfare.

41. Concerns were also raised about the treatment of children. The UK-Rwanda Treaty envisages that unaccompanied children might be removed to Rwanda if their age is in dispute. If subsequently determined to be children they would be returned to the UK. This might result in children being placed in unsafe situations. Witnesses argued that this was contrary to the UK's obligations under the UN Convention on the Rights of the Child to prioritise the best interests of children, and specifically to the Committee on the Rights of the Child's recommendation, urging the United Kingdom "to ensure that children and age-disputed children are not removed to a third country"

It is not the government's intention to ever relocate an unaccompanied child asylum seeker to Rwanda under this partnership. Article 3 of the UK-Rwanda Treaty states: *"The Agreement does not cover unaccompanied children and the United Kingdom confirms that it shall not seek to relocate unaccompanied individuals who are deemed to be under the age of 18".*

The UK-Rwanda Treaty does provide, however, for the relocation of children as part of a “family” unit as defined in the UK-Rwanda Treaty. It should be noted that this does not constitute a policy change and is consistent with the principles of the April 2022 Memorandum of Understanding. Robust procedures are in place to protect children sent as part of a family as well as those relocated individuals whose adult status is in question and where their return to the UK has been ordered by a court.

The government recognises that children have unique healthcare, accommodation, educational, nutritional and recreational needs. That is why Part 1 to Annex A of the UK-Rwanda Treaty states that families will be provided safe and adequate family unit accommodation. Part 1 (1.2.1 to 1.2.3.2) sets out the generous package of support families will receive in addition to that of all other relocated individuals. Part 1 (2.2.3 to 2.5) ensures food given to children shall be suitable for their age and nutritional requirements according to World Health Organisation guidelines as well as the views of their responsible adult. In addition, Part 1 (3.2) sets out that children will receive age-appropriate books and toys, or a reasonable increase in the allowance for the purchase of these. Part 1 (8) details the age-appropriate education to be provided, that is at least of the standard that is accorded to Rwandan nationals. Part 1 (4) lays out the healthcare all relocated individuals will receive. Where appropriate, any medical care provided to a child shall be provided by those qualified to support children specifically.

A further assessment of Rwanda’s capacity to accommodate families with children will be undertaken before such groups are considered for relocation. Parties are obliged to ensure the provisions under the UK-Rwanda Treaty for these groups are provided and the Monitoring Committee is a vital part of ensuring that individuals will receive the support and accommodation accordingly.

Article 9(3) states a child shall be able to raise an asylum or Humanitarian Protection Claim in their own right. Article 10(1) and (2) state any child who forms part of a family with an adult who is granted refugee status, or whose protection need is otherwise recognised, shall be granted the same status as that adult. Any child as part of a family group where that adult does not fall under Article 10(1) or (2) shall have their immigration status regularised with a right to remain in Rwanda in the form of a permanent residence permit alongside that adult.

Any person relocated on the basis of being over the age of 18 who is subsequently deemed to be a child by a UK court of tribunal, or where that court or tribunal determines they should be treated temporarily as a child, shall be returned to the UK. This provides for the handling of any exceptionally rare instances of individuals being relocated to Rwanda, on the basis that they are over the age of 18, where this is later disputed and a return process ordered by a court or tribunal is enacted.

The government recognises the importance of maintaining family units. Article 10(6) states that the rights and best interests of a child granted refugee status, or whose humanitarian protection need is recognised, will be given primary consideration when the status of that parent, guardian or responsible adult is being determined. Where a child or a person being treated as a child is returned under Article 11, their parents or guardians and any siblings shall also be returned to the UK.

42. Finally, it was noted that Article 21 of the UK-Rwanda Treaty provides that, once it has terminated, the parties must continue to comply with the UK-Rwanda Treaty in relation to persons who have been removed to Rwanda. The precise effect of this article is unclear since the protections granted by the UK-Rwanda Treaty rely to a large extent on its institutional mechanisms such as the Monitoring Committee and the special asylum process. When a treaty is terminated, its institutional mechanisms would normally cease to have effect. The Home Office did not engage with this point when asked about it. The effect of this article should be expressly clarified.

The governments of the UK and Rwanda look forward to the successful ongoing operation of the UK-Rwanda Treaty. Even in the event that the UK-Rwanda Treaty ceases to have effect due to termination as provided for by the UK-Rwanda Treaty, Article 21 is clear that in respect of those Relocated Individuals relocated to Rwanda, the parties will continue to comply with their obligations under domestic and international law and the UK-Rwanda Treaty. Any further legal or practical steps necessary to ensure both parties continue to meet their continuing obligations, in the unlikely scenario where the partnership ends early, will be carefully considered. This could include, for example, the extension of the Monitoring Committee for as long as necessary.

44. In his evidence to us on 19 December 2023, the Home Secretary suggested that we could draw an inference about UNHCR's views from the fact that it had transferred more than 160 asylum seekers to Rwanda the day after the Supreme Court judgment. However, the Home Office has subsequently confirmed that this transfer was connected with a transit mechanism operated by UNHCR which was referred to by the Supreme Court: "Rwanda has also supported the UNHCR emergency transport mechanism for asylum seekers from Libya. Once in Rwanda, their claims are processed by UNHCR, and the claimants have been resettled by UNHCR in third countries". This flight therefore has no bearing on the assessment of the UK-Rwanda Treaty.

Rwanda is a safe country that cares deeply about refugees, and currently hosts over 130,000 refugees and asylum seekers. In addition, nearly 2,000 people feeling Libya have found safety in Rwanda through the Emergency Transmit Mechanism. The UNHCR chose Rwanda in partnership with the African Union as a safe country to accommodate vulnerable people before their eventual transit onwards to various other safe countries around the world. By temporarily accommodating some of the most vulnerable refugee populations who have faced trauma, detentions and violence, Rwanda has showcased its willingness and ability to work collaboratively to provide solutions to refugee situations and crises. This scheme also has the support of the EU, which recently announced a further €22 million support package for it. The European Union Ambassador to Rwanda described the scheme as *"a crucial life-saving initiative to evacuate people facing major threats and inhumane conditions in Libya to safety in Rwanda…It is a significant example of African solidarity and of*

partnership with the European Union. We are grateful to the Government of Rwanda for hosting these men, women and children".

48. The Government should submit further information to Parliament in due course to confirm that the necessary legal and practical steps and training identified in this report, which underpin the protections provided for in the UK-Rwanda Treaty, have been put in place and bedded in. It should then allow for a further debate before proceeding to ratification.

The government notes the non-binding motion in the House of Lords not to ratify the UK-Rwanda Treaty and rejects the suggestion that any unnecessary conditions should be placed upon the ratification of the UK-Rwanda Treaty outside what is required by the conventional, and separate, Constitutional Reform and Government Act and the Vienna Convention.

As the Committee acknowledges in section 49 of its report, a Minister of the Crown may lay before Parliament a statement indicating that the Minister is of the opinion that a treaty should nevertheless be ratified despite a formal objection by the House of Lords.

The government refers the Committee to the Statement laid before Parliament by the Home Secretary as an un-numbered Act Paper on 25 April 2024 pursuant to section 20(8) of the CRaG Act. The Statement details the new measures implemented within and changes made to the Rwandan asylum system since the Supreme Court's judgment, which was based on the evidential position as of summer 2022, when the judicial review proceedings against the partnership were first brought. The Supreme Court accepted that the structural changes and capacity building needed to eliminate the risk of refoulement may be capable of being delivered in future.

The government's position is that all such necessary measures and plans are in place in the UK and Rwanda to ensure that relocated Individuals will be treated in accordance with both parties' obligations under the treaty as and when they arise. The government is further satisfied that the terms of the treaty itself are consistent with the UK and Rwanda's existing international obligations. The government therefore intends to proceed to ratification, and consent to be bound by the treaty's terms, as soon as possible.