

Written evidence submitted by Medical Justice

(ASY0001)

Rwanda Removals Process

1. About Medical Justice

- a. Established in 2005, Medical Justice is a charity offering independent medical advice and assessments to people held in immigration detention in the UK. We receive between 800-1,000 referrals each year.
- b. Medical Justice's volunteer clinicians assess the health of clients in detention and write medico-legal reports (MLRs) that document their physical and psychological scars of past torture, as well as serious health conditions and/or injuries sustained during removal attempts or in detention.
- c. Our casework also includes assessing fitness to fly, challenging instances of medical mistreatment in detention and helping detained people access the healthcare they need. We also refer clients to competent lawyers, and to relevant organisations and community services for support on release from detention.
- d. We work across all Immigration Removal Centres (IRCs) in the UK and with those held under immigration powers in prisons.
- e. Using evidence from our casework, Medical Justice also engages in research, advocacy and litigation to improve healthcare for people in immigration detention through wider policy changes.

2. Medical Justice's work with people facing removal to Rwanda

- a. To date, Medical Justice has assisted 37 people facing removal to Rwanda under the government's scheme announced earlier this year. They are being held at Brook House and Colnbrook IRCs.
- b. Our volunteer clinicians have conducted medical assessments for 15 of these individuals so far. More assessments will be carried out in the coming days / weeks. The assessments are conducted either face to face at the IRC or remotely via video call or telephone call at the relevant IRC. Unfortunately Colnbrook IRC, where many of these clients are being held, currently has no facility for video calls, with the Skype facility there having been out of action for several weeks and no indication of when it may be fixed.
- c. We have also provided a range of other support, including referring clients who were not represented to lawyers, advocating for appropriate healthcare and providing emotional support.

- d. Our Rwanda clients are Iranian, Iraqi, Sudanese, Syrian, Eritrean, Egyptian and Vietnamese nationals. They speak Farsi, Kurdish Sorani, Arabic, Tigrinya, and Vietnamese. None of them speak sufficient English to have a detailed conversation. Many speak no more than a few words of English, and many are unable to read or write in English.
- e. All of our clients exhibit indicators of vulnerability according to the Home Office's Adults at Risk policy.¹ They include two age-disputed young people, survivors of torture and trafficking, and people with serious mental health conditions. Several clients have histories of rape or sexual exploitation and have been struggling with distressing flashbacks and memories of these events. Several other clients have experienced torture while in places of detention in their country of origin. One has cancer and is awaiting further investigations in relation to this. Another has a disability that is related to having previously been shot.
- f. All the clients we have spoken to have described distressing psychological symptoms since being informed that they face removal to Rwanda. Many have spoken with great distress about their hopes of being able to build a life in safety in the UK free from persecution having suddenly been crushed. One client reported suicidal thoughts that are becoming more intense by the day because he feels the hope he had of living in safety has been taken from him and he is unable to imagine a future for himself. He began to feel somewhat more hopeful after his Removal Directions set for 14 June to Rwanda were cancelled, but has since deteriorated again as he still remains detained and the threat of removal to Rwanda has not been lifted.
- g. Some of our clients have close family members in the UK, including parents, siblings and children.
- h. Some clients were not aware they were being sent to Rwanda until they contacted Medical Justice and we explained this to them. The first client who contacted us was entirely unaware of the possibility that he could be removed to Rwanda and called because he was concerned about an exacerbation of his asthma. It was only when he faxed us his documents, that we noticed a Notice of Intent from the Home Office (see Section 3e) in his paperwork. By this point he was 4 days into the 7-day window in which he could submit reasons to the Home Office as to why he should not be removed to Rwanda (see Section 3g).

¹ The Home Office's [Adults at Risk policy](#) provides a framework for assessing the vulnerability of individuals in detention and balancing vulnerability against the timetable for removal, the risk of absconding, and the risk of offending.

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- i. Many clients have told us that they have found it very difficult to find legal representation. For example, one client had not succeeded in accessing legal advice when he contacted Medical Justice. At this point, 6 days out of his 7-day window for submitting reasons as to why he should not be removed to Rwanda had elapsed.
- j. Legal advice and representation is available in the IRCs, including through the Detained Duty Advice Scheme. However, our clients have only recently arrived in the UK, have been held in detention for most of their time here, and speak almost no English. All of these factors make it much harder to access legal representation.

3. Details about the removal process

- a. The Home Office has not published details of how it selects those people it wishes to remove to Rwanda, nor what steps are involved. The following information is therefore based on observations from Medical Justice's casework.
- b. Most of our clients facing removal to Rwanda have arrived in the UK by small boat across the Channel. A small number have arrived by lorry. All have arrived since early May this year and claimed asylum immediately upon arrival.
- c. After arriving, our clients were detained and taken to Yarl's Wood IRC. We understand that no screening, including screening for vulnerabilities, takes place prior to detention and that only a very brief check for health issues that require immediate medical attention is carried out.
- d. At Yarl's Wood our clients received their Asylum Screening Interview. Shortly after this they were transferred to either Brook House, Harmondsworth or Colnbrook IRCs.
- e. Also shortly after the screening interview (1-2 days later), the clients received a written Notice of Intent (NOI), informing them of the Home Office's intention to (a) treat their asylum claim as inadmissible and (b) remove them to Rwanda. The clients also received an information leaflet (copy at Appendix A).
- f. Both documents are in English. Anecdotally we have heard of one person who received an information leaflet translated into Farsi. We are not aware of anyone else who has received a translated NOI or information leaflet, either in Farsi or any other language.
- g. The NOI states that the person had 7 calendar days from date of receipt to submit reasons to the Home Office as to why their claim should not be treated as inadmissible, and/or why they should not be removed to Rwanda.

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- h. In some cases, following requests by clients' lawyers, the Home Office granted an extension to this 7-day window. In our experience these extensions were for no more than 7 days.
- i. Eleven of our clients went on to receive a decision that their asylum claim had been certified as inadmissible and Removal Directions (RDs) for the flight to Rwanda on 14 June 2022.
- j. As the Committee will be aware, none of these clients have been removed to Rwanda to date. The reasons for their Removal Directions being cancelled varied: some people received Positive Reasonable Grounds decisions finding them to be potential victims of trafficking; in other cases the Home Office had not considered the reasons submitted in response to the person's Notice of Intent as to why they should not be sent to Rwanda; and in others their 7-day window extension had not yet expired.
- k. Three of our clients were amongst those forcibly taken to the airport on 14 June by escorts and placed into the aircraft, prior to its last minute cancellation. Inappropriate restraints and excessive force were reportedly used on individuals during their journey from the IRCs to the airport and into the aircraft.²
- l. Following the flight's last minute cancellation, our clients were taken off the aircraft and taken to Brook House IRC.
- m. Despite the flight cancellation, the fact that no further Removal Directions have been set, and the ongoing legal proceedings challenging the lawfulness of the Rwanda policy, most of our 37 clients remain in detention. In one client's case, the Home Office agreed to release him. A small number of other clients have been released on bail by the Tribunal. Some other clients have been granted immigration bail in principle but remain in detention due to a delay in accommodation being arranged.
- n. Several of our clients have received Positive Reasonable Grounds (RG) decisions finding them to be potential victims of trafficking through the National Referral Mechanism (NRM).³ Following such a decision, the suspected victim is entitled to targeted support during a 'Reflection and Recovery Period'. Despite this, none of our clients were released from detention after receiving their positive RG decision.
- o. In a large number of our clients' cases, the IRC GP has issued a Rule 35 report identifying them as an individual who may have been a victim of torture and is hence at risk of

² <https://www.independent.co.uk/news/uk/politics/rwanda-flight-refugees-deportation-migrant-b2102064.html>

³ The [National Referral Mechanism](#) (NRM) is the process for identifying and supporting victims of trafficking in the UK.

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suffering harm in detention.⁴ In each case, the Home Office's response to the Rule 35 report has been to maintain the person's detention, stating that removal to Rwanda is likely to take place soon.

- p. It is our impression that in the vast majority of cases the Home Office is not releasing people subject to the Rwanda policy. This is despite many having obvious and recognised vulnerabilities that place them at increased risk of being harmed by their time in detention.

⁴ The [Detention Centre Rules \(DCR\) 2001](#) places a statutory obligation on IRC healthcare departments to identify vulnerabilities amongst detainees and communicate these to the Home Office. Under Rule 35 of the DCR 2001, GPs in IRCs must formally report safeguarding concerns in the following circumstances:

(1) if they consider that their patient's health is likely to be "injuriously affected" by detention (2) if they suspect that their patient "may have suicidal intentions"; and (3) if they are concerned that their patient "may have been the victim of torture." Further details about the Rule 35 process and problems identified with it is available at:

https://medicaljustice.org.uk/wp-content/uploads/2022/04/2022_HarmedNotHeard_Final.pdf

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