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The UK-Rwanda Migration Asylum Plan: An Analysis

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The UK-Rwanda Migration Asylum Plan: An Analysis

Introduction

Since the initiation of the Memorandum of Understanding (MOU) between the United Kingdom and Rwanda regarding migration asylum. The deal has been embroiled in a plethora of legal, political, and humanitarian debates and discussions. The deal which elicits mixed reactions, was signed at a joint news conference in Kigali, Rwanda on 14th April 2022 between the then British Home Secretary Priti Patel (under the Boris Johnson led government) and the Rwandan Foreign Minister, Vincent Biruta.

Under this deal, Rwanda pledged to accommodate asylum seekers who entered the United Kingdom through means deemed ¹illegal, hazardous, or unnecessary, such as by utilising small boats, subsequent to the 1st of January, 2022, using It proposes to deport migrants with a one-way ticket to Rwanda wherein their asylum application would be processed. In the event of a favourable outcome, individuals will not be deemed eligible for repatriation to the United Kingdom; instead, they will be sent to Rwanda and classified as refugees. If the asylum claims, are determined to lack validity or authenticity, they could be removed from Rwanda and sent back to their country of legal residence. With the country serving as an offshore asylum-seeking site, which is situated 4000 miles away from the United Kingdom, the plan also, stipulates a financial commitment of ²120 million pounds that would be offered to Rwanda within a span of five years for economic development and growth.

Background

Since the commencement of the European migrant crisis of 2015, the United Kingdom has experienced a tremendous inflow of migrants via the illegal crossing of the English Channel. Consequently, the need for the inception of this agreement is rooted in the heavy influx of asylum-seeking individuals, which placed

¹ “What Is the UK’s Plan to Send Asylum Seekers to Rwanda?” BBC News, February 23, 2023. <https://www.bbc.com/news/explainers-61782866>

² Girinema, P. (2023, March 19). UK interior minister visits Rwanda to expand deportation plan. *Reuters*. <https://www.reuters.com/world/uk/uk-interior-minister-visit-rwanda-discuss-migration-partnership-2023-03-17/#:~:text=Britain%27s%20government%20wants%20to%20send,the%20policy%20in%20the%20courts>

immense strain on the British economy, treasuries, and the taxpayers. In ³2022, the United Kingdom received more than 89,000 asylum applications, the highest in 20 years out of which 23,800 people accompanied with their dependents were granted some form of protection. More than ⁴45000 migrants crossed the Channel, last year itself, with, 3150 already having illegally entering the country in the first few months of 2023. This staggering number of refugee seekers exerted enormous pressure on the British economy, which had already been witnessing a downward spiral due to the Covid-19 pandemic. This is essentially, classified as a blank cheque provided by the British taxpayers just to sustain the refugees.

Why Britain?

Geographically, it is observed that African migrants, who constitute a significant portion of asylum seekers in the European countries, largely due to vast prevalence of political instability and humanitarian crisis in African nations. Primarily enter the European continent through France. However, it is noteworthy that these migrants do not exhibit a strong inclination to settle as refugees within the French territory. Instead, they take up another arduous journey of crossing the English Channel through dingy boats facilitated by sketchy human smugglers to land up in the United Kingdom which according to the asylum seeker's perspective has better economic opportunities and reasonable lifestyle standards. Additionally, the asylum approval rate for the United Kingdom is much higher than that of France, thus, illustrating the rational as to why the former is a preferred destination. In 2021 itself, the country received 58,532 asylum applications, out of which decisions were made on 22,890 first time applications and 14,690 were given approval. This makes the asylum approval rate a staggering 64%, whereas the asylum approval rate of France stands at a 25%, which is one of the lowest amongst European countries.

Key Elements Of The Deal

The then British Home Secretary, Priti Patel, laid down the salient features of the partnership during a press conference in Kigali. First, an asylum claimant will be eligible for resettlement in Rwanda if their claim is deemed inadmissible and their journey was considered as through dangerous means i.e., in small boats or clandestine lorries, and routes. Second, the deal comes with an attached caveat wherein, the

³ BBC News. (2023, July 12). What is the UK's plan to send asylum seekers to Rwanda? *BBC News*. <https://www.bbc.com/news/explainers-61782866>

⁴ BBC News. (2023, July 12). What is the UK's plan to send asylum seekers to Rwanda? *BBC News*. <https://www.bbc.com/news/explainers-61782866>

asylum-seeking application will be deemed inadmissible if the refugees happen to have passed a “safe third country” during their journey. Third, illegal entrants who are deported back to Rwanda would additionally, face a lifetime ban on entering the United Kingdom and would be deemed ineligible to claim British citizenship. Fourth, it is noteworthy that all subsequent legal disputes and litigations pertaining to human rights will be adjudicated in Rwanda... there is a proviso in the agreement prohibiting the deportation of certain categories of asylum seekers to Rwanda. These include unaccompanied asylum-seeking children (under the age of 18), families with children (under 18), citizens of the European Union and Rwandan asylum seekers. The provision of not sending Rwandan asylum claimants is in alignment with non-refoulement provisions under the international laws to which the United Kingdom is a signatory.

Cost Of the Deal

Although, the financial arrangement and considerations remain classified, the British ministries have confirmed some broad costings underpinning the deal. As of late October 2022, the Government has released a payment of £120 million for the Economic Transformation and Integration Fund and a further £20 million upfront payment towards accommodation, processing, and integration. This amount will be included under the New Economic Transformation and Integration Fund, which will undertake development and growth opportunities for migrants and Rwandan citizens. It will provide additional funding for everyone relocated to Rwanda in order to maintain their accommodation and other lifestyle costs (which entails legal, healthcare and cost of food products). Both countries have further arrived on terms wherein, the United Kingdom will provide financial assistance for a five-year integration package for each individual who has received asylum in Rwanda. The government declared that the cost covering the scheme would be similar and in lines with the cost incurred by the country to sustain the migrants. The annual cost of maintaining the British asylum system is estimated to be a staggering 1.5 billion pounds. The British government spends nearly 7 million pounds per day to provide them with hotel accommodations and other daily necessities.

Challenges and Controversies

Legal Challenges

The partnership deal has met with both, domestic and international legal criticisms, and controversies. Following the announcement of the deal, the United Nations High Commission of Refugees (UNHCR) promptly conveyed its resolute disapproval of the deal and articulated its apprehensions regarding the relocation of individuals seeking asylum and refugees to the nation situated in Central Eastern Africa. . UNHCR’s Assistant High Commissioner for Protection, Gillian Triggs, contextualized it as saying:

UNHCR remains firmly opposed to arrangements that seek to transfer refugees and asylum seekers to third countries in the absence of sufficient safeguards and standards. Such arrangements simply shift

asylum responsibilities, evade international obligations, and are contrary to the letter and spirit of the Refugee Convention.

Also, under the United Nations Refugee Policy, to which the United Kingdom is a signatory explicitly states: No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

The aforementioned provision provides a rationale for the United Nations being at loggerheads with the proposed British policy that would alter the way, UK deals with migrants and asylum-seekers. The United Nations, therefore, urged both the countries to reconsider their deal as it could magnify risks for the migrants who take up perilous journey to evade war, conflict, or persecution in their own countries. The international body remarked, people fleeing war, conflict and persecution are deserving of both compassion and empathy. They should not be traded like commodities and transferred abroad for processing their application. The European Court of Human Rights deemed the deal contentious, resulting in its decision to block the initial scheduled deportation of asylum seekers in June of the previous year by a last-minute ruling.

Domestically, the judiciary has granted a legal status to the UK-Rwanda Asylum deal and ruled that it is lawful and is consistent with domestic and international laws, commitments, and obligations. Yet the High Court of London has granted permission to a group of asylum seekers to appeal against the ruling.

Political Controversies and Reactions

The deal was met with eclectic political opinions. The British Parliament witnessed thunderous discussion around the deal. The main opposition, Labour party voiced its opinion on spending the money on effective crackdown on criminal syndicates and human smugglers behind cross- Channel traffic. The government of the Conservatives in its defence, highlighted the previous Labour administration’s intent to base the asylum processing claims in a third, offshore country.

Former British Prime Minister and Home Secretary and current Conservative Party Member of Parliament, Theresa May, stated that she did not support the proposal for reasons of legality, practicability, and effectiveness. Her remark in the House of Representatives calmed the divisions within the Conservative Party, as the Conservative government of Boris Johnson introduced the proposition. Continuing the legacy of his predecessor, Boris Johnson, the current British Prime Minister, Rishi Sunak is in favour of pushing the anti-immigration plan (which has been colloquially dubbed as the ‘stop the boats’ bill). Ms. Suella Braverman, Home Secretary under Prime Minister Rishi Sunak, said she was confident the Rwandan policy would serve as an effective deterrent, resulting in fewer refugees crossing the Channel to the United Kingdom.

Two other significant titles, i.e., the Monarch and the Archbishop of Canterbury, expressed their views in disapproval of the deal. According to the British media and print agencies, the British Monarch, King Charles III (then Prince Charles of Wales) privately described the plans of deportation as “appalling” and expressed criticisms over it. Subsequently, the Archbishop of Canterbury used his Easter Sermon as an opportunity to question this move and remarked, (there are) serious ethical questions about sending asylum seekers overseas.

Rwanda: An Overview

Political Background

There are differing opinions on Rwanda being a land of safety or fear. Paul Kagame, the current President of Rwanda, assumed leadership of the rebel forces that successfully ended the genocide in 1994. Since 2000, he has maintained a firm grip on power and effectively consolidated his authority. Furthermore, the nation possesses a deeply disturbing past characterised by a consistent disdain for fundamental human rights. It has been said that the Rwandan Patriotic Front, the incumbent governing party, continues stifling critiques and alternative perspectives directed towards the government and individuals closely affiliated with the government. A free space for political opposition, civil society, press and media remains under the tight, dominant control of the government, if not completely blocked. Even, YouTube remains a disputed platform for free expression of opinions. Innumerable commentators and bloggers were either convicted or found to be missing under mysterious circumstances over videos uploded on topics deemed sensitive by the government. Women’s rights in Rwanda are considered as a vexed area too. The debates on women’s clothing and the right to privacy were sparked in the later months of 2022 when in August, Lilliane Mugabekazi was arrested and charged with public indecency for wearing a “shameful dress” to a concert in Kigali.

Human and Refugee Rights

These violations transgress to refugees and diaspora communities who are critics of the ruling party. Multiple human rights groups have documented instances of harassment targeting refugees in Rwanda. In 2018 Rwandan authorities open fired at Congolese refugees at the Kiziba refugee camp during demonstrations over food shortages. These concerns were amongst the various factors that led the European Court of Human Rights and UNHCR concluding the deal as unlawful. Rwanda’s suitability as a partner and a host country is thus, contentious.

Amnesty International, in its reports flagged concerns about Rwanda’s asylum process, citing arbitrary denial of access to the asylum procedure, risk of detention and deportation, discrimination against LGBTIQ+ asylum seekers and inadequate legal representation. According to the Human Rights Watch.

Rwanda is rated as “not free” and has secured a score of 23 (out of 100 points) on the freedom scale. Political rights in the country are rated at an 8 (out of 40), whereas civil liberties are at a 15 (out of 60).

Counter-Reactions of The British Government

Despite these serious concerns there has been a constant effort by the British Government to sugar coat Rwanda’s record of human rights and project it as a suitable country that could safely accommodate its refugees. Although, the United Kingdom in 2021, before proposing the deal, investigated the matter of extrajudicial killings, torture and death in Rwanda, thus, justifying the reason of people’s amazement on the choice of country. The British Home office issued a statement wherein it remarked that decisions on suitability, and if Rwanda is “safe” will be assessed on a case-to-case basis. Thus, the transfer of asylum-seeking individuals would be under the purview of subjectivity. The British Home Secretary, Suella Braverman elucidated on Rwanda having a track record of successfully resettling and integrating refugees or asylum seekers. While on a tour of potential asylum sites situated in Rwanda. Despite this, she failed to provide a new date for the transfer of those seeking asylum to Rwanda via a flight that has been suspended following the European Court of Human Rights' decision.

Rwanda’s experience in accommodating a diaspora of refugee communities provides the British government with a compelling argument to present Rwanda as an appropriate “offshore asylum-seeking site.” At the end of March 2022, Rwanda hosted 1,26,744 refugees and 841 asylum seekers majorly from Democratic Republic of Congo, Burundi, Libya amongst other countries in the continent. This is because it is considered amongst the only countries in African with a relatively strong economic, although, the political and civil liberties are a bit compromised due to the pervasive surveillance and intimidation by the ruling party. Apart from that, Denmark- Rwanda asylum plans were also, in talks, which stands scrapped as of now. Simultaneously, discussions were held between Denmark and the United Kingdom on co-sharing the Central African country as an offshore asylum site.

Furthermore, in response to an urgent crisis in Libya, the Emergency Transit Mechanism (ETM) was established in September 2019, which provided a temporary emergency humanitarian framework. Under ETM, people transferred to Rwanda came under the purview of claiming asylum under UNHCR. This establishes the premises that Rwanda has prior experience in hosting multiple refugee communities. The government has taken up the aforementioned front to justify the suitability of the country as a host country for asylum claims, even though, violations of rights are prevalent and have been recorded in the country.

This prompted Human Rights Watch to criticise the agreement, and the human rights organisation stated that the British government is “cherry-picking facts, or ignoring them completely, to bolster a foregone conclusion”.

Resettlement Capacity of Rwanda

The then Prime Minister Boris Johnson said in a speech in mid-April that Rwanda will have the capacity to resettle tens of thousands of people in upcoming years. Since then, the Deputy Prime Minister has stated that it is more likely the number of people relocated to Rwanda each year will be in the hundreds. This corresponds with reported indications from the Rwandan Government that it can process 1,000 people over the initial five-year period. The Home Office has said that Rwanda has an initial capacity for 200 people, but it plans to increase that once the flights commence.

United Kingdom-France Deal

In a persistent endeavour to curb the inflow of migrants, the British government under Rishi Sunak has advanced a collaborative initiative with the French government wherein both countries have agreed to a multi-layered financial commitment to stop unauthorized arrivals across the English Channel. As both countries attempt to restrict the number of undocumented migrants entering their territories, this agreement is considered as complementary to the one between the United Kingdom and Rwanda.

Both countries have pledged to collaborate on the pathways utilised by human traffickers facilitating the movement of refugees. This includes patrolling by both, French and British officers to crackdown on illegal immigration. The deal furthermore entails that the United Kingdom will financially aid a detention centre in France while French authorities will deploy a new permanent policing unit with enhanced technology to patrol the country's beaches, including drones and aircraft. The UK said it would contribute roughly \$581m in funding over the next three years to help pay for the new measures, adding that it expected France to contribute significantly more funding.

Conclusion

While the partnership agreement could represent a viable opportunity for the government of the United Kingdom, it lacks a humanitarian component. There is a risk that the migrant camps could face serious abandonments and thus, these have compared with the "Nazi era concentration camps" by critics.

References

1. BBC News. “How Many People Cross the Channel in Small Boats and Where Do They Come From?” BBC News, March 29, 2023. <https://www.bbc.com/news/uk-53699511>
2. Convention relating to the Status of Refugees, Office of High Commissioner of UNHCR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees#:~:text=No%20Contracting%20State%20shall%20expel,social%20group%20or%20political%20opinion>.
3. Freedom House. “Rwanda.” Freedom House, <https://freedomhouse.org/country/rwanda/freedom-world/2023>
4. Global Focus. “Rwanda,” <https://reporting.unhcr.org/rwanda#:~:text=As%20of%20end%20of%20March,refugees%20and%20841%20asylum%20seekers>
5. Jazeera, Al. “UK to Fund France Detention Site as Leaders Agree Migration Deal.” Migration News | Al Jazeera, March 10, 2023. <https://www.aljazeera.com/news/2023/3/10/uk-to-fund-france-detention-centre-as-leaders-agree-migration-deal>
6. The UK-Rwanda Migration and Economic Development Partnership, House of Commons Library, 20th December 2022, <https://researchbriefings.files.parliament.uk/documents/CBP-9568/CBP-9568.pdf>
7. The UK-Rwanda Migration and Economic Development Partnership, House of Commons Library, 20th December 2022, <https://researchbriefings.files.parliament.uk/documents/CBP-9568/CBP-9568.pdf>
8. UN Refugee Agency opposes UK plan to export asylum, 14th April 2022, <https://www.unhcr.org/news/news-releases/un-refugee-agency-opposes-uk-plan-export-asylum>
9. “What Is the UK’s Plan to Send Asylum Seekers to Rwanda?” BBC News, February 23, 2023. <https://www.bbc.com/news/explainers-61782866>
10. “What Is the UK’s Plan to Send Asylum Seekers to Rwanda?” BBC News, February 23, 2023. <https://www.bbc.com/news/explainers-61782866>
11. “What Is the UK’s Plan to Send Asylum Seekers to Rwanda?” BBC News, February 23, 2023. <https://www.bbc.com/news/explainers-61782866>