



Safety of Rwanda (Asylum and Immigration) Bill

Policy Statement

Evidence of the safety of the Republic of Rwanda for the purposes of relocating individuals under the terms of the Migration and Economic Development Partnership

12 December 2023

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List of Abbreviations

BIOT - British Indian Ocean Territory
CRRF - Comprehensive Refugee Response Framework
ECHR - European Convention on Human Rights
ETM - Emergency Transit Mechanism
GCR - Global Compact on Refugees
GoR - Government of Rwanda
GRF - Global Refugee Forum
HMG - His Majesty's Government
HRM - Hotline for Refugees and Migrants
ILPD - Institute for Legal Practice & Development
MC - Monitoring Committee
MEDP - Migration and Economic Development Partnership
MEDP- CU - (GoR) Migration and Economic Development Partnership Coordination Unit
MINEMA - (GoR) Ministry of Emergency Management
MINIJUST - (GoR) Ministry of Justice
MoU - Memorandum of Understanding
NCHR - (GoR) National Commission for Human Rights
NV - Note Verbale
RSDC - (GoR) Refugee Status Determination Committee
SOPs - Standard Operating Procedures
UNHCR - United Nations High Commissioner for Refugees

Foreword by the Home Secretary

The Supreme Court's judgment of 15 November 2023 set out their conclusions regarding the Migration and Economic Development Partnership between the UK and Rwanda. These findings were based on information provided to the Court up until summer 2022. The Supreme Court recognised that changes may be delivered in future which could address the conclusions they reached.



I am pleased to introduce this Policy Statement which carefully considers and responds to the Supreme Court's judgment and reflects further work undertaken alongside Rwanda to strengthen its asylum system since 2022. This Statement should be read alongside the treaty with Rwanda laid on 6 December 2023 which includes significant new protections in response to the Supreme Court's conclusions. This work will enable Parliament to conclude that the Supreme Court's judgment has been addressed and that Rwanda is safe for relocations under the Migration and Economic Development Partnership. The Safety of Rwanda (Asylum and Immigration) Bill, introduced on 7 December 2023, provides Parliament with the opportunity to set out the conclusion that Rwanda is safe in primary legislation. Once the treaty is ratified and the Bill passed, we can begin to operationalise the Partnership.

Our resolve to deter people from making illegal, dangerous and unnecessary journeys to the UK has not weakened. Illegal migration undermines the laws of our country, is unfair to those who come here legally, and is unjust to the British people who play by the rules. We will continue to act to stop it.

The Rt Hon James Cleverly MP
Secretary of State for the Home Department

Overview

This Policy Statement sets out an assessment undertaken by His Majesty's Government (HMG) on the safety of Rwanda for the purposes of the Migration and Economic Development Partnership (MEDP) between the UK and Rwanda. HMG concludes that Rwanda is a safe third country and that it is capable of, and willing to, deliver on its commitments under the Partnership.

A key part of this evidence is the [Treaty for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants](#)^[1], which was laid in Parliament on 6 December 2023. On the basis of this treaty and the other evidence contained in this Statement, Parliament is invited to agree that Rwanda is safe and pass the [Safety of Rwanda \(Asylum and Immigration\) Bill](#).

Introduction

1. Since summer 2022, when judicial review proceedings in relation to the MEDP began, HMG and the Government of Rwanda (GoR) have worked to refine and improve the MEDP. This has not only strengthened the operational readiness of Rwanda to receive and support migrants relocated under the MEDP but also the legal footing of the agreement and the commitments both sides undertake to ensure national and international obligations and standards are met.
2. This Policy Statement sets out information that addresses the findings of the domestic courts and, in the assessment of HMG, supports the conclusion that, as set out at clause 2 of the Safety of Rwanda (Asylum and Immigration) Bill, Rwanda is a safe country for the purposes of immigration decisions relating to the removal of individuals to Rwanda. This Statement also explains in more detail the commitments agreed as part of the treaty between the UK and Rwanda and information which indicates that the obligations in the treaty can and will be met.

Background to and objectives of the MEDP

3. On 14 April 2022, the UK and Rwanda announced the MEDP. The partnership provides for the relocation to Rwanda of individuals (known as Relocated Individuals) who arrived in the UK through an illegal and dangerous route on or after 1 January 2022 and who do not have the right to stay here. Upon arrival, Rwanda will process an individual's asylum claim and create a safe environment for migrants to start a new life, with education, employment, accommodation and integration support.

^[1] The full title is the 'Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership to strengthen shared international commitments on the protection of refugees and migrants'. This will be referred to as 'the treaty' throughout this Policy Statement.

4. The purpose of the MEDP is to break the business model of people smugglers and deter illegal entry, while providing international protection in Rwanda to those in genuine need. The mass movement of irregular migrants organised by people smugglers is overwhelming the international asylum system and demands a new response.
5. The UK and Rwanda entered into the partnership with a commitment to develop new ways of managing flows of irregular migration by promoting durable solutions, and so breaking the existing incentives that make people embark on dangerous journeys to the UK. The UK and Rwanda share a vision on the need for the global community to provide better international protection for asylum seekers and refugees, underlining the importance of effective and functioning systems which provide protection to those in most need.
6. To this end, the MEDP is part of a suite of measures to tackle illegal migration and builds on wider collaboration with Rwanda on many shared issues, including efforts to combat climate change and delivering UK Aid. Rwanda has a long history of supporting and integrating asylum seekers and refugees in region, for example through its work with United Nations High Commissioner for Refugees ('UNHCR') to host the Emergency Transit Mechanism. It has also been internationally recognised for its general safety and stability, strong governance, low corruption and gender equality.

The Supreme Court's judgment

7. Following the MEDP's announcement, the partnership was the subject of legal challenge in the UK's domestic courts. The Supreme Court judgment on 15 November 2023 concluded 18 months of judicial review proceedings. The Supreme Court's conclusions were based on evidence submitted prior to the High Court hearing in September 2022.
8. When the MEDP was announced in April 2022, HMG published a Memorandum of Understanding (MoU) and, subsequently, Notes Verbales (NVs) governing the agreement. At the time, HMG assessed those arrangements to be lawful and compliant with the UK's domestic and international obligations. These international obligations include the Refugee Convention which prohibits refoulement. Refoulement is the return of asylum seekers to a country where they fear persecution. It can occur either directly or indirectly via a third country where the risk of refoulement exists. As a signatory to the European Convention on Human Rights (ECHR), the UK is also obliged not to remove an individual to a country where there are substantial grounds for believing that that individual would be at real risk of ill-treatment (see Article 3 ECHR). Similar obligations arise under other provisions of domestic and international law.
9. The High Court, based on the then evidential position, found – amongst other things – that a policy of relocating asylum seekers to Rwanda is consistent with the UK's obligations under the Refugee Convention and ECHR.

10. On 29 June 2023, the Court of Appeal allowed by a majority of two to one an appeal by the claimants on the issue of whether Rwanda is a safe third country. The Court of Appeal concluded that deficiencies in the Rwandan asylum system were such that there were substantial grounds for believing that asylum seekers removed to Rwanda could face a risk of being sent to a country where they could face persecution or other ill-treatment. It was not a unanimous decision; there was also a considered dissent by the Lord Chief Justice who concluded that there were not substantial grounds for believing that there are such risks. The Court of Appeal unanimously upheld the High Court's finding that a policy of removing individuals to a safe third country where their asylum claims would be determined did not breach the UK's obligations under the Refugee Convention. The Court of Appeal also rejected the argument that the Home Office's processes (such as the timeframe for individuals to make representations) were unfair.
11. The Government appealed the Court of Appeal judgment to the Supreme Court, which on 15 November 2023 upheld the Court of Appeal's conclusion that there are substantial grounds for believing that asylum seekers relocated under the MEDP would face a real risk of ill-treatment by reason of refoulement if they were removed to Rwanda. These findings were based in substantial part on observations by the UNHCR about the adequacy of Rwanda's asylum system and concerns about its ability to fulfil assurances under the MEDP MoU. The Supreme Court recognised that the assurances were entered into in good faith by Rwanda and the UK.
12. The Supreme Court's conclusions were based on the evidence submitted prior to the High Court hearing in September 2022 and did not consider subsequent and ongoing work that has been undertaken between HMG and the GoR since the Partnership was announced to prepare for the operationalisation of the MEDP and, later, to address the findings of the Court of Appeal. Indeed the Supreme Court accepted that structural changes and capacity-building needed to eliminate the risk of refoulement may be capable of being delivered, but they were not shown to be in place at the time when the lawfulness of this policy had to be considered under those proceedings. The following is a summary of the key work to date to strengthen assurance within the MEDP processes in response to the courts' conclusions.

Further assurances and commitments

13. HMG and GoR have agreed and begun to implement assurances and commitments to strengthen Rwanda's asylum system. These assurances and commitments provide clear evidence of GoR's ability to fulfil its obligations generally and specifically to ensure that Relocated Individuals face no risk of refoulement. These assurances and commitments, together with the treaty and conclusions from Foreign, Commonwealth and Development Office experts which are reflected throughout this Statement, allow HMG to state, with confidence, that the Supreme Court's concerns have been addressed and that Rwanda is safe.
14. A key focus of further work has been to strengthen Rwanda's asylum system in terms of both decision making and processing. HMG and GoR have (i) devised

and commenced new operational training to GoR asylum decision-makers, (ii) established clear Standard Operating Procedures (SOPs) which capture new processes and guidance in the asylum system on reception and accommodation arrangements, the safeguarding of vulnerable persons and access to health care, (iii) strengthened procedural oversight of the MEDP and asylum processes, and (iv) agreed an overarching legally binding treaty. More detail on each of these points is provided as follows.

15. In respect of **training**, for example, from 20 to 24 November 2023, Home Office technical experts, working in collaboration with the Institute for Legal Practice and Development (ILPD)¹, delivered training for 76 trainees which included GoR officials (MINEMA, MEDP-CU, DGIE, MINIJUST, NCHR), members of the judiciary (High Court) and the Rwandan Bar Association, focusing on consolidating understanding of refugee law and how to apply this in conducting interviews and making effective asylum decisions. Further detail is set out below under the sections entitled [Discrimination in decision making](#) and [Capacity building and training delivery](#).
16. In respect of **SOPs and oversight**, a newly created MEDP Coordination Unit (MEDP-CU) within GoR, is now responsible for managing reception and accommodation arrangements for Relocated Individuals in Rwanda, for facilitating medical, psychosocial, and integration support, and for arranging translation, interpretation and legal services. GoR has agreed SOPs on Medical Care, Reception and Accommodation Facilities and Identifying and Safeguarding Vulnerability, which provide detailed guidance on the standards to be met by service providers and GoR officials. The MEDP-CU is responsible in the first instance for overseeing and ensuring compliance with the standards set out in the SOPs for reception and accommodation arrangements, and for addressing issues at the point they are raised. More detail is set out under the sections entitled [Handling of vulnerability and safeguarding concerns](#), and [Reception, accommodation and integration](#).
17. The **MEDP Monitoring Committee**, comprising international migration experts, will now have an enhanced role. It will provide real-time, comprehensive monitoring of the end-to-end relocation and asylum process to ensure compliance with the standards agreed in the SOPs and the treaty obligations. There will be an initial period of enhanced monitoring. The enhanced monitoring will take place daily to ensure rapid identification and response to any shortcomings. More detail on the monitoring arrangements is set out under the section entitled [Monitoring Mechanisms](#).
18. The UK and Rwanda have also strengthened the legal footing of the assurances (and other commitments) by **agreeing a new treaty** which directly addresses the conclusions of the Supreme Court, in particular regarding the risk of refoulement. The treaty contains, amongst other provisions, a definitive undertaking from Rwanda that they will not remove any person relocated under the MEDP except to the UK in accordance with Article 11(1). Under the treaty, individuals not

¹ The Institute of Legal Practice and Development (ILPD) was established as part of GoR's implementation of judicial reforms in 2004 to provide legal professional education and training to those working in the field of justice and in related fields.

granted asylum or humanitarian protection status will also all get permanent residence and equivalent treatment, for example, in respect of employment and self-employment; public relief; labour legislation; and social security. **This confirms that no individual relocated under the scheme is at risk of refoulement from Rwanda, whether or not their claim is successful.**

19. This treaty was laid in the UK Parliament on 6 December 2023 and, once ratified by both parties, will ensure the obligations are legally binding as a matter of international law. Article 22(3) provides that any failure to comply with the obligations in the treaty by either Party that cannot be otherwise settled, can be resolved by binding arbitration.
20. In order to implement the treaty, the GoR will pass a **new Rwandan asylum law** in the coming months, which will strengthen and streamline key aspects of the end-to-end asylum system, in particular decision-making processes and associated appeals processes. These changes engage with the UNHCR's concerns and address the Supreme Court's conclusions as to the system's capacity. Asylum and humanitarian claims will be decided initially by case workers in a new First Instance Body. To support the implementation and delivery of this enhanced model, for at least the first 6 months the First Instance Body will, before making a decision to refuse a claim, seek and consider advice from a seconded independent expert (see Part 2 of Annex B, paragraph 3.3.3 of the treaty). This, plus the wider assurances around training and process, will ensure quality of decision-making and build capability to respond to UNHCR's concerns about weaknesses in GoR's asylum system.
21. The new Rwandan asylum law will also address the Supreme Court's conclusions about judicial independence in Rwanda. There will be a **new Appeal Body** to hear appeals arising from the First Instance Body. The Appeal Body will be led by two specially appointed judges, one Rwandan and one other Commonwealth nationality, who will act as co-presidents of the new Appeal Body for at least the first 5 years. The new Appeal Body will consist of judges of a mix of nationalities. Each appeal will be heard by a panel of three judges; including one of the co-presidents. It will embed subject matter experts at the heart of the appeal process, drawing on independent expertise: for at least the first 12 months, the Appeal Body will also receive and take into account an opinion from an independent expert in asylum and humanitarian protection law before determining any appeal of a decision by the First Instance Body. More information is set out in the section entitled '[right of appeal](#)'.

Safety of Rwanda

22. **The High Court determined the issue of the general safety of Rwanda for the purposes of Article 3 ECHR, finding that it was generally safe for MEDP relocated individuals to be in Rwanda. The Supreme Court found it unnecessary to decide the question whether individuals were at risk of ill-treatment in Rwanda itself. The Court of Appeal likewise did not reach a conclusion on this point. This means that the first instance ruling of the Divisional Court on this point – that Rwanda is generally safe for those relocated under the MEDP – remains undisturbed. HMG considers that Rwanda is safe for the purpose of relocating individuals under the MEDP.**
23. HMG and the GoR take their commitment to upholding human rights and their obligations under international agreements seriously. The treaty cites the commitment of both the UK and Rwanda to upholding fundamental human rights and freedoms without discrimination, as guaranteed by their respective national legislation, by their strong histories of implementing the Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, and by their other international legal obligations.
24. As with many countries with which the UK cooperates, the UK assesses the risk of human rights violations in Rwanda on an ongoing basis, in particular with regard to situations that may raise a real risk to the safety or treatment of individuals who may be removed there. This has informed HMG's continuing assessment that Rwanda is a safe country for Relocated Individuals. Details of key areas of Rwanda's governance and arrangements which informed this overall assessment are summarised below.

Legal framework and judicial independence

25. Rwanda is a signatory to key international agreements protecting the rights of refugees and those in need of international protection. It acceded to the Refugee Convention, as well as the 1967 Protocol, in 1980. In 2006 it acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Conventions on the Reduction of Statelessness. Regionally, it is a signatory of the [Organisation of African Unity Convention on Refugees in Africa](#) and the [2012 Kampala Convention](#).
26. Rwanda's obligations under these international agreements are embedded in its domestic legal provisions. The Rwandan constitution ensures that international agreements Rwanda has ratified become domestic law in Rwanda. Article 28 of the constitution recognises the right of refugees to seek asylum in Rwanda.
27. Domestic legislation gives effect to the protections set out in Rwanda's international agreements and constitution. A 2014 law relating to refugees establishes Rwanda's current refugee status determination ('RSD') process, specifying refugees' rights and obligations. It also sets out relevant

administrative procedures and indicative timelines.² A Prime Ministerial Order of 2015 establishes the National Refugee Status Determination Committee ('RSDC'), setting out its functions, composition, and duties. A Ministerial Instruction of 2016 sets out rules for managing the accommodation of refugees and the Rwandan government's responsibilities for managing refugees. A 2018 law provides for the jurisdiction of the courts, providing asylum seekers with a right of appeal to the High Court to vindicate their legal rights.

28. Rwanda's asylum framework can be characterised as providing multi-layered legal protections for refugees, from appeal rights under domestic legislation to broader constitutional guarantees. The UNHCR has stated that "the policy and legal frameworks in Rwanda continue to facilitate the inclusion of refugees within national systems in line with the Global Compact on Refugees. From health to education, refugees are granted the same level of access and services as Rwandan citizens."³

29. HMG is consequently confident that individuals relocated from the UK to Rwanda will have their protection claims processed under a comprehensive legal framework. As noted above, in order to implement the treaty, the GoR will pass new Rwandan asylum law in the coming months which will strengthen and streamline key aspects of the end-to-end asylum system.

30. The Supreme Court concluded that the Rwanda courts might not operate independently in politically sensitive cases.

31. The constitution of Rwanda provides for an independent judiciary, comprising the Supreme Court, the Rwandan High Court, and the provincial, district and municipal tribunals. An example of the willingness of the judiciary to find against the Rwandan government in practice on an asylum case is found in the case of RAD 00018/2022/HC/KIG, which was handed down by the Rwandan High Court on 23 February 2023. In that case, an appeal was successfully brought against the Ministerial Appeal decision which upheld the RSDC's decision to refuse to grant the appellant refugee status. The Rwandan High Court overturned the decisions and ordered the appellant be granted refugee status. As this was the first decision taken under the new High Court appeal mechanism created within Rwanda, and occurred after the MEDP judicial review hearings commenced, there was no evidence available to the Supreme Court to demonstrate the willingness of the High Court in Rwanda to overturn RSDC decisions. However, this subsequent evidence suggests that there is already an effective right of appeal to the High Court in Rwanda and that the courts are willing to overturn decisions of the GoR.

32. Following the Supreme Court judgment, the UK and Rwanda have taken additional steps, including via the treaty, to demonstrate that the final determination of a protection claim of an individual relocated under the MEDP will be objective and independent. This is covered in more detail in the section entitled [Right of Appeal](#).

² [Refworld | Rwanda: Law No. 13 ter/2014 of 21/05/2014 relating to refugees](#)

³ <https://data.unhcr.org/en/country/rwa>

Human rights record

33. HMG assesses that the human rights of individuals relocated under the MEDP will be respected.

34. Of the 9 international human rights instruments⁴, Rwanda is a party to 8. These are:

- The International Convention on the Elimination of All Forms of Racial Discrimination
- The International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The Convention on the Rights of Persons with Disabilities⁵

35. Rwanda is one of the 55 Member States of the African Union (AU) and is a signatory to the African Charter on Human and Peoples' Rights.⁶

36. The Constitution of Rwanda⁷ prohibits at Article 16 discrimination of any kind based on, amongst other things, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability. Article 10 commits to equality between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs.

37. The 2022 USSD human rights report noted: 'Women have the same legal status and are entitled to the same rights as men, including under family, labour, nationality, and inheritance laws... The law requires equal pay for equal work and prohibits discrimination in hiring decisions.'⁸

⁴ OHCHR, '[The Core International Human Rights Instruments and their monitoring bodies](#)'

⁵ OHCHR, '[Status of ratification interactive dashboard](#)' (Rwanda), no date

⁶ AU, '[Member states](#)'

⁷ [The Constitution of the Republic of Rwanda of 2003 Revised in 2015.pdf \(migeprof.gov.rw\)](#)

⁸ USSD, '[2022 Country reports on human rights practices: Rwanda](#)' (section 6),

38. Article 37 of the Constitution of Rwanda protects religious freedoms, stating 'Freedom of thought, conscience, religion, worship and public manifestation thereof is guaranteed by the State in accordance with the law.'⁹
39. Rwanda also has a National Commission for Human Rights (NCHR), created by the Law n° 04/99 of 12th March 1999, meeting the Paris Principles ('Principles Relating to the Status of National Human Rights Institutions'¹⁰). Numerous international and national non-government organisations operate in Rwanda in collaboration with the GoR to support refugees.
40. Ahead of agreeing the MEDP in April 2022, Rwanda was assessed for its human rights record. HMG's assessment was that Rwanda is now a relatively peaceful country with respect for the rule of law, although there have been issues with its human rights record around political opposition to the current regime, dissent and free speech.
41. Since the partnership was announced, UK officials have worked closely with GoR to ensure that individuals relocated under the agreement will be safe and that their rights will be protected. Human rights have been a key consideration throughout this work, including the treaty, to confirm the principles for the treatment of all Relocated Individuals in an internationally binding agreement, and strengthened monitoring mechanisms to ensure practical delivery against the obligations. For example, individuals once relocated will have freedom of movement, they will not be at any risk of destitution as they will be accommodated and supported for 5 years and will have access to integration packages so that they can study, undertake training and work. They will also have full access to free healthcare for 5 years.
42. HMG's assessment is that the partnership, by design and as set out in the specific terms of the treaty, ensures that the human rights of Relocated Individuals will be respected. Article 2(3) of the treaty makes clear that the objectives of the agreement will be secured by providing a mechanism for protection claims to be determined in Rwanda in accordance with the Refugee Convention and international human rights law. Paragraph 3.3.2 of Annex B provides that decision-makers shall make decisions impartially, solely on the basis of evidence and by reference to the provisions and principles of the Refugee Convention and humanitarian protection law. Furthermore, Article 3(1) provides that these obligations shall be met in respect of all Relocated Individuals, regardless of their nationality and without discrimination. Crucially we also note that Rwanda has specifically entered into the MEDP and subsequent treaty on an explicit understanding of their responsibilities, and individuals may only be relocated to Rwanda with the explicit agreement of GoR.
43. HMG has in particular considered the following issues:

⁹ [The Constitution of the Republic of Rwanda of 2003 Revised in 2015.pdf \(migeprof.gov.rw\)](#)

¹⁰ These Principles set out internationally agreed minimum standards that National Human Rights Institutions must meet to be considered credible.

- a. Most reports of any alleged human rights violations in Rwanda relate to **Rwandan nationals who are critics of the government**. There is no evidence in the sources consulted that asylum seekers or refugees are considered by the government to be of interest on grounds of their political opinion based on the countries they are from. The Safety of Rwanda (Asylum and Immigration) Bill makes clear at clause 7(2) that the Bill does not apply to Rwandan nationals, or to those who have obtained a passport or other identify document in Rwanda. This means that Rwandan nationals alleged to be at risk in Rwanda would not fall for removal under the MEDP.
- b. HMG is aware that **refugee protests over cuts to food rations which took place at Kiziba refugee camp in 2018 resulted in refugee fatalities**. However, Kiziba is an isolated case and there is no information on similar incidents since 2018. A person relocated from the UK under the MEDP scheme will not live in a refugee camp and will not be exposed to the type of circumstances which resulted in unrest at Kiziba. Under the treaty, they will instead receive support in accordance with Annex A of the treaty – Reception and Accommodation.
- c. **LGBTI persons may face some discrimination in practice in Rwanda**. However, Rwandan legal protection for LGBTI rights is generally considered more progressive than that of neighbouring countries. The constitution of Rwanda includes a broad prohibition of discrimination and does not criminalise or discriminate against sexual orientation in law or policy.

44. When it comes to relocating individuals to Rwanda, the Home Office will make decisions on a case-by-case basis, using updated guidance that will then be available alongside information provided by the individual relating to their specific circumstances. Individuals will have access to interpreters and legal advice in the UK to support them during this process. Once it is enacted, UK decision makers will be required to treat Rwanda as a safe country (clause 2 of the Safety of Rwanda (Asylum and Immigration) Bill). However, decision makers will still be able to consider compelling evidence relating specifically to a person's individual circumstances (clause 4(1) of the Bill) provided it does not concern the possibility of individuals being removed from Rwanda in contravention of their international obligations (clause 4(2)).

45. The UK and Rwanda are strong partners who do not shy away from difficult conversations. The UK remains committed to working with Rwanda to support the development of its civil and political rights, and to address these concerns around the limited space for political opposition and critical voices. In engagement with the GoR, UK Government ministers and officials have regularly raised these issues, emphasising the need for a more open political space. The British High Commission has regular access to the GoR, and the High Commissioner meets regularly with Rwandan ministers to discuss issues of mutual interest or concern.

Compliance with international agreements

46. **Rwanda has ratified many international human rights conventions, including the United Nations Convention Against Torture and the International Covenant on Civil and Political Rights, however, the Supreme Court found that Rwanda's past human rights record raised questions as to its compliance with its international obligations.**
47. Rwanda has made significant progress as a country since the Genocide against the Tutsi, after which it pioneered a process of national reconciliation. Since 1998, the UK has provided over £1 billion of development assistance, which has helped to lift more than two million people out of extreme poverty.¹¹ As a country it has generated high levels of growth. It also has a proven record of using aid from the UK and other donors effectively to achieve their global goals, including achieving increased prosperity and opportunity for its citizens, and ensuring stability.
48. The GoR has a strong history of working closely and collaboratively with HMG and there is commitment from both parties to the success of this partnership. This assessment is informed by the institutional expertise of the Foreign, Commonwealth and Development Office, which the Supreme Court acknowledged has 'long experience of diplomatic relations with other countries, and the advice of its officials can assist ministers to reach an informed view as to the likelihood of the country in question complying with assurances'.¹² Witness statements supplied as part of the MEDP litigation confirms the strength of the bilateral relationship between the UK and Rwanda; highlighting the latter's commitment to the partnership, which the Court acknowledged they entered into the partnership in 'good faith'.
49. FCDO experts, whose advice is reflected throughout this Policy Statement, maintain that the assessment provided in the FCDO witness statement remains true and that since the MEDP was agreed, the GoR has worked tirelessly, in a constructive manner and at pace to address concerns raised by the Courts. This is evidence of their continued commitment to the Partnership. At all levels, the Government of Rwanda has been pragmatic in finding and implementing solutions to address issues we have raised, which can be taken as evidence of their continued commitment to the partnership.
50. In addition, the Supreme Court judgment was based on the MoU between the UK and GoR. Since then, the UK and GoR have agreed the treaty. This means the provisions will be binding in international law and, due to the Constitution of Rwanda, the treaty will become domestic law in Rwanda on ratification.
51. **The MEDP is one important component of a much broader bilateral relationship.** Rwanda is an African leader and UK ally on many of the issues

¹¹ [UK-Rwanda development partnership summary, July 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/UK-Rwanda-development-partnership-summary-July-2023.pdf)

¹² Supreme Court judgment [52]

that matter most to us internationally. The UK and Rwanda cooperate closely on a number of issues, including the Commonwealth (which Rwanda currently chairs), climate change, education, trade, governance and conflict issues and delivering a successful and long-standing development partnership. The UK and Rwanda have consistently voted together in the UN to condemn Russia's invasion of Ukraine and recent years have seen good cooperation on issues including media freedoms and land rights.

52. HMG has a history of supporting the further development of good governance in practice in Rwanda, including through secondments of 1 member of staff from the Official of National Statistics and 2 from HMRC into equivalent Rwandan agencies in advisory roles. HMG support has helped Rwanda increase its tax to GDP ratio beyond that of richer neighbours such as Kenya and Uganda. HMG assistance to the statistics agency also enabled signature of an MoU between the UN and Rwanda in 2020, establishing the Africa Regional Hub for Big Data in Kigali.
53. This demonstrates the willingness of Rwanda to work in partnership with the UK through the secondment of personnel, which will be a feature of the MEDP as HMG is looking to replicate this to build capacity in the asylum system and ensure 'on the ground' consistent monitoring of system delivery. More information is set out below in the section entitled [Capacity building and training delivery](#).
54. The 2022 Ibrahim Index of African Governance (IIAG), which assesses governance performance in 54 African countries from 2012 to 2021, scored Rwanda 59.1 out of 100 (0 being the lowest and 100 being highest) in overall governance (for comparison the African average is 48.9) and ranked 12th out of 54 countries.¹³ The IIAG has recently undertaken a comprehensive review of its theoretical framework and data sources to further support the credibility of its findings. This led to its methodology being completely updated in 2020 following consultations with experts and practitioners such as the IIAG Advisory Council and the Foundation's Board.
55. The IIAG's findings are corroborated by other sources that show Rwanda has made significant progress on social and economic rights in the last three decades. For example, in 2023 the World Economic Forum Global Gender Gap report ranked Rwanda twelfth in the world for gender parity, whilst the UK was fifteenth.¹⁴ In 2021 the World Justice Project's Rule of Law index ranked Rwanda top in Africa and amongst low-income countries globally for order and security.
56. Rwanda's overall score in the World Justice Project's 'Rule of Law' score has increased consistently from 2019 to 2023.¹⁵ In 2023, Rwanda ranked first (out of 34) in Sub-Saharan Africa and 41st (out of 142) globally. The World Bank Group scored Rwanda at 16 out of maximum score of 18 in their Quality of Judicial Processes index focussed on enforcing business contracts.¹⁶

¹³ IIAG, '[Rwanda: 2012-2021 Governance Results, 2022](#)'

¹⁴ [World Economic Forum The Global Gender Gap Index 2023 rankings](#)

¹⁵ [WJP Rule of Law Index | Rwanda Insights \(worldjusticeproject.org\)](#)

¹⁶ [Doing Business in Rwanda - World Bank Group](#)

57. Globally, Rwanda is leading the HeForShe Campaign with over 200,000 signatories and three commitments: bridging the gender digital divide by 2020; triple girls' enrolment in technical vocational education; and training and eradicate Gender-Based Violence. More recently, the country took the lead on the Generation Equality Action Coalition and committed to closing the digital gender divide by 2026.

Israel-Rwanda Agreement

58. The Supreme Court found that the apparent failure of GoR to fulfil its undertakings under the terms of a prior asylum processing agreement with Israel is relevant to an assessment of the risk of refoulement under the arrangements entered with the government of the UK.

59. As part of our assessment as to the safety of Rwanda for asylum processing purposes, HMG has considered all relevant information in the public domain on Rwanda's compliance with international obligations, including their delivery against other partnerships into which they have entered. We note that the exact details of the agreement with Israel are confidential to those countries.

60. Reporting by the Hotline for Refugees and Migrants (HRM)¹⁷, a refugee advocacy group based in Israel, highlights the paucity of monitoring arrangements in place under the Israeli-Rwanda arrangement.

61. For example, HRM reported that, by way of assurance, Israeli officials conversed with a very small number of individuals relocated under the agreement by phone. The officials could only rely on the word of those they spoke with that they were in fact in Rwanda when the conversation took place, apparently with no other means with which to ascertain the location of those relocated under the agreement.

62. The lack of monitoring combined with the confidential nature of the agreement, which limited transparency and independent scrutiny, means HMG does not consider the agreement Israel had with Rwanda to be comparable to the MEDP. By contrast, the treaty (and earlier MoU) is published and in the public domain. Publication is a requirement of the treaty itself; see Article 3(5). The policy is transparent and open to scrutiny by international partners and agencies like the UNHCR. The treaty that was laid in Parliament will also need to go through the UK's established parliamentary process, as set out in the Constitutional Reform and Governance Act 2010 prior to ratification, therefore ensuring due process is followed and parliamentary scrutiny enabled.

63. The terms of the MEDP are also transparent to Relocated Individuals themselves before they are relocated. And then on arrival in Rwanda, Article 8(3) of the treaty confirms that Rwanda shall provide Relocated Individuals arriving under the terms of this Agreement with information detailing how to raise a claim for

¹⁷ [Hotline for Refugees and Migrants \(HRM\)](#)

asylum or humanitarian protection upon arrival and shall provide adequate opportunity to raise such a claim. The treaty further provides at Paragraph 5 of Annex A, Part 1 that each Relocated Individual shall be provided with the following, with access to an interpreter if necessary:

- information regarding the procedure for lodging a complaint about their accommodation and the delivery of other support (Paragraph 5.1.1);
- orientation information regarding Rwanda (5.1.2);
- training on the rights under international law and international standards, and the basic domestic laws of Rwanda (5.1.3);
- information regarding how to make a confidential complaint to the Monitoring Committee (5.1.4).

64. The treaty sets out the provisions for real-time and comprehensive monitoring of the end-to-end relocation and asylum process for individuals relocated under the MEDP. This is with a view to independently ensuring compliance with the obligations set out in the treaty between HMG and GoR and ensuring delivery against the terms of the agreement and in line with both countries' international obligations. The treaty further provides at Article 15.9 for the monitoring committee to develop a complaints system that can be used by Relocated Individuals to lodge confidential complaints regarding alleged failure to comply with the obligations agreed, and that the MC will investigate all such complaints received directly during the enhanced three-month monitoring period. More detail in the section entitled '[monitoring mechanisms](#)'.

65. It is consequently HMG's assessment that our partnership with Rwanda is not comparable to the historical Israel-Rwanda arrangements. The MEDP is a bespoke and carefully crafted arrangement which among other assurances has a robust monitoring mechanism in place through the Monitoring Committee, a complaints procedure and joint oversight committee underpinned by a treaty.

66. HMG assesses that, in light of the above, Rwanda can be relied upon to comply with its international obligations and in particular its obligations under the treaty.

Migration management

67. Further examples show that Rwanda has a proven track record of working constructively with domestic and international partners, including the UNHCR, International Organization for Migration (IOM) and other non-government organisations, to process and support the asylum seeker and refugee population. These partnerships operate across a range of sectors including food provision, healthcare, and schemes to provide livelihood opportunities and promote self-reliance.

68. In December 2021, UNHCR's Kigali-based Comprehensive Refugee Response officer, Nayana Bose, said: "Rwanda has done an excellent job integrating refugees in the national education system, including urban refugees in the

national community-based health insurance plan, providing them with national ID cards and offering them livelihoods opportunities.”¹⁸

69. A specific example of Rwanda’s successful work with the UNHCR is the Memorandum of Understanding between Rwanda and UNHCR, to host a transit facility in Gashora for asylum seekers fleeing civil war in Libya, which has operated since September 2019. Between the signing of the tripartite agreement between the Government of Rwanda, UNHCR and the African Union, and September 2023, 1,737 refugees and asylum seekers, originating from Eritrea, Sudan, Somalia, Ethiopia, Chad, South Sudan, Nigeria, and Cameroon, have been evacuated from Libya to Rwanda. The GoR has worked collaboratively with UNHCR to welcome a total of 14 UNHCR supported evacuation flights, which have brought vulnerable refugees and asylum seekers to Rwanda for further processing, prior to onward resettlement in third countries.¹⁹
70. In November 2021, GoR, the African Union and the UNHCR have signed an Addendum to the Memorandum of Understanding (MOU) of the Emergency Transit Mechanism (ETM) which ensures the continued operation of the ETM Centre at Gashora.²⁰ 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.²¹
71. This agreement has also attracted EU funding, which will support the operation of the ETM until 2026. On 9 February 2023, the EU announced a €22 million support package to the ETM, which the European Union Ambassador, Calvo Uyarra described 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 until such time, durable solutions can be found.”²²
72. Another key focus in Rwanda is the implementation of commitments and pledges made by the GoR as part of the Comprehensive Refugee Response Framework (CRRF) and Global Refugee Forum (GRF). In total, nine pledges focusing on education, livelihoods, protection, environmental protection, energy, and health were made at the GRF.
73. The UNHCR’s Rwanda refugee response plan states: “In 2022, the refugee response in Rwanda focused on the protection, assistance and finding of solutions for refugees across the country including children, women, people with disabilities, older persons, and those with other specific needs... Rwanda has a

¹⁸ [A new approach to refugee integration bears fruit in Rwanda | UNHCR](#)

¹⁹ [Rwanda: Emergency Transit Mechanism Update | Global Focus \(unhcr.org\)](#)

²⁰ [Rwanda, the African Union and UNHCR extend agreement to support the emergency evacuation of refugees and asylum-seekers from Libya | UNHCR Africa](#)

²¹ [Document - Rwanda Refugee Response Plan 2023 \(unhcr.org\)](#)

²² [European Union increases support to people in need of international protection with additional grant of €22 million to UNHCR to operate the Emergency Transit Mechanism in Rwanda until 2026. – UNHCR Rwanda](#)

conducive protection environment. The law is progressive, and refugees have the right to access national services such as education, birth registration, health, financial services and are eligible to work. Partners working on the refugee response have good working relationships with key government ministries. In addition, as part of its “Vision 2050” and National Strategy for Transformation, Rwanda has solidified commitments to international frameworks such as the Global Compact for Refugees and the realization of the Sustainable Development Goals (SDGs)”.

74. Further efforts by the GoR to drive continuous development in the migration space are evidenced by their agreement to be one of only ten selected pilot countries for the UNHCR-UNICEF Joint Blueprint For Action For Refugee Children. The Blueprint is a commitment to accelerate joint efforts under a transformational agenda in line with the Global Compact on Refugees (GCR), and is focused on three key areas: education, water, sanitation and hygiene, and child protection.
75. Furthermore, 11 migrants from the migrant camp in Diego Garcia have so far been sent to Rwanda for medical treatment, with the agreement of the GoR. Four, plus a family member, remain in Rwanda as their treatment is ongoing. None have been refouled.

Rwandan asylum system

76. **The Supreme Court concluded that changes needed to be made to Rwanda’s asylum procedures in order to ensure compliance with the principle of non-refoulement.**
77. As set out in the introductory preface to this Policy Statement, the principle of non-refoulement prohibits receiving states from transferring individuals from their jurisdiction to a country in which they would be at risk of persecution or at risk of ill-treatment or to a country where they might be onward removed to a country where they will be at risk of persecution or ill-treatment.
78. The following sections set out in more detail the work undertaken to build capacity of the Rwandan asylum system and strengthen the assurances the UK has from GoR on the treatment of individuals relocated under the MEDP. **HMG assesses that this additional work, which has been undertaken since the legal proceedings were first brought and was not considered by the courts, is sufficient to address the concerns raised by UNHCR, and the conclusions of the Court of Appeal and the Supreme Court and address the risk of refoulement.**

Risk of refoulement

79. **The UK has addressed the Supreme Court’s conclusions about the risk of refoulement.**

80. The matters set out in this Policy Statement explicitly address the risk of refoulement. **Article 10(3) of the treaty provides that GoR will not remove anybody who is transferred from the UK to Rwanda, whether or not an asylum or protection claim is made and whether or not it is granted, except to the UK in accordance with Article 11(1).** Circumstances where the UK would request return would be, for example, where a court in the UK orders it. Article 10(3) further provides that the parties shall cooperate to agree an effective system for ensuring that removal contrary to this obligation does not occur, which includes systems (with the consent of the Relocated Individual as appropriate) for returns to the UK and locating, and regularly monitoring the location of, the Relocated Individual.
81. Article 10(4) provides that for Relocated Individuals not recognised as refugees or having another humanitarian protection need, Rwanda shall “regularise that person’s immigration status to ensure a right to remain in Rwanda in the form of a permanent residence permit.” This means that anybody transferred under the treaty who is not granted refugee status or humanitarian protection will be given permanent residence and receive equivalent treatment to those who are granted protection, in respect of access to education, right to work, access to health care and so on.
82. **The Supreme Court highlighted previous cases of “airport refoulement”.** However, the Court concluded that these cases do not establish there would be a risk of similar refoulement under the MEDP as Relocated Individuals arriving in Rwanda would have been specifically pre-approved by GoR and would arrive on pre-planned, agreed flights. Under Article 5(3) of the treaty, ‘Rwanda shall decide whether to accept an individual for transfer’. This means that all transfer requests made by the UK require approval by Rwanda prior to any relocation. Article 7(1) of the treaty also states that Rwanda shall give access to its territory to the Relocated Individuals, in accordance with this Agreement.
83. Upon arrival in Rwanda, GoR will check the details of arrivals against the list of Travel Document numbers provided by the UK and provide the UK with written confirmation of their arrival (see Article 7(2) of the treaty). More information on the process of relocation and reception is set out below, in the section entitled [Reception, accommodation and integration](#). Furthermore, and as set out in more detail under the below section entitled ‘[Monitoring Mechanisms](#)’, the treaty between the UK and Rwanda provides for real-time and comprehensive monitoring of the end-to-end relocation, asylum process and support for individuals relocated under the MEDP, including ensuring access to the asylum system. The Monitoring Committee will also ensure compliance with the obligations within the treaty throughout the duration of the agreement. Enhanced monitoring will also protect the interests of Relocated Individuals by ensuring rapid identification and response to any shortcomings or failures to comply with obligations on the ground. Relocated Individuals will be able to lodge confidential complaints directly with the Monitoring Committee regarding any concerns about denial of access to the asylum system. Therefore, the UK has addressed the concern of risk of unofficial or “airport” refoulement through the treaty and enhanced monitoring mechanisms.

Access to legal advice and representation

84. The Supreme Court found that the Rwandan asylum system did not have sufficient legal advice and representation.

85. In advance of agreeing the treaty, HMG and GoR have worked together to respond to the findings of the courts by evidencing Rwanda's existing asylum procedures and practice in Standard Operating Procedures (SOPs) relating to and reflecting the current Refugee Status Determination and appeals process. This procedure will be strengthened and streamlined as a result of the treaty. But in relation to the current system:

- a. Section 4 of the Asylum Processing SOP, paragraph 2.2.2 of the Refugee Status Determination SOP, and section 5 of the Ministerial Appeal SOP provide that asylum applicants are permitted to seek legal advice at all stages of the asylum application process, and that legal representatives are able to attend with an applicant and may assist and advise them throughout any interview.
- b. Furthermore, Section 11 of the High Court Process SOP makes clear that a claimant has a right to legal representation at all stages of the High Court proceedings and confirms that legal representatives may consult with and advise the applicant and may make representations on their behalf to the court.

86. In order to meet Rwanda's obligations under the MEDP to provide Relocated Individuals with legal assistance free of charge, GoR's Ministry of Emergency Management (MINEMA) entered into an agreement with the Ministry of Justice (MINIJUST). As part of this, on 1 March 2023 MINIJUST signed an agreement with the Rwanda Bar Association to provide legal assistance to asylum seekers relocated under the MEDP at all appeal stages of their asylum claims. The agreement stipulates that MINEMA shall provide facilitation fees to cover all administrative and court fees required for all steps of the case. The agreement also sets out monitoring and reporting requirements and establishes a Monitoring and Evaluation Committee to oversee the program. The Rwanda Bar Association currently has 38 lawyers who provide legal assistance on matters relating to the asylum process and migration law.

87. The Supreme Court questioned the independence of legal support under the current Rwandan appeal system. Although the treaty sets out a [new appeal process](#) that GoR will introduce prior to the operationalisation of the MEDP, which removes the 'Ministerial Appeal' function and so addresses the Supreme Court's concerns, work had already been undertaken to strengthen legal expertise under the current system. MINIJUST maintains a contract with the ILPD for the development and provision of training on refugee law to lawyers. A breakdown of training provided is set out in more detail [below](#).

88. The treaty further strengthens the current position on access to legal representation to address the conclusions of the Supreme Court.

Paragraph 5 of Annex B of the treaty provides that each Relocated Individual shall be permitted to seek legal advice at all stages of the asylum application process and this advice shall be provided free of charge. Paragraph 5 further provides that a legal representative will be able to attend any interview with a Relocated Individual and legal representatives will be allowed to make written submissions on behalf of a Relocated Individual at any point prior to a decision being made and these representations will be taken into account by the relevant decision-maker before reaching a decision. Paragraph 5 further confirms that Rwanda shall take all reasonable steps to ensure that there is sufficient capacity of appropriately trained legal advisors available to provide free legal advice and that the Parties will cooperate in order to ensure that such capacity is available in all cases.

89. Paragraph 6 of Annex B of the treaty provides that in the event that a Relocated Individual wishes to appeal their decision to the Appeal Body or onward appeal court they shall be provided with legal assistance and representation free of charge. Paragraph 6 further confirms that Rwanda shall take all reasonable steps to ensure that there is sufficient capacity of trained legal advisors available to provide legal advice and that the UK and the GoR will cooperate in order to ensure that such capacity is available in all cases.

90. Furthermore, the treaty provides for real-time and comprehensive monitoring of the end-to-end relocation and asylum process for individuals relocated under the MEDP. This is covered in more detail in the section entitled [Monitoring Mechanisms](#).

Right of appeal

91. The Supreme Court found that the right of appeal to the Rwandan High Court is untested and there are grounds for concern as to its likely effectiveness. The Supreme Court noted that, as there was no evidence that the right of appeal had been exercised, it was not clear how it would work in practice. The Supreme Court emphasised the importance of the right of appeal to the High Court within Rwanda's asylum system, on the ground that it is the only stage of the asylum process in which claims are considered by a non-governmental body. The Supreme Court also noted concerns as to the Rwandan judiciary's independence and its willingness to find against a decision of the GoR.

92. Paragraph 31 of this document, in the section [Legal framework and judicial independence](#) provides an example of the High Court overturning a decision to refuse asylum by the RSDC which had been upheld at Ministerial Appeal. This occurred after the UK High Court hearing in September 2022 and so could not be included in the evidence considered by the Supreme Court. Nevertheless, in that case, the High Court in Rwanda granted the appeal and overturned the initial decision, ordering that the appellant be granted refugee status. This decision suggests 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.

93. Notwithstanding this, the treaty also strengthens the appeals process. Under its commitments in the treaty, Rwanda will be introducing a new asylum law. The reforms will replace the RSDC and Ministerial appeal stages with decisions by case workers in a First Instance Body. The treaty also contains a commitment at paragraph 4.2 of Annex B that Rwanda shall establish a new Appeal Body to adjudicate any appeals arising from decisions made by the First Instance Body. It will have jurisdiction to hear an appeal against any decision that pertains to a material alteration of the status of a Relocated Individual under this Agreement. This means it is not just initial refusals that could be heard, but also, for example, appeals against a decision to revoke refugee status or a grant of humanitarian protection after it was initially granted.

94. Paragraph 4 of Annex B of the treaty provides that Relocated Individuals have the right to appeal a refusal of their asylum or humanitarian protection claim to a new Appeal Body responsible for considering such claims. In so doing the following shall apply:

- the Relocated Individual and their legal representative will be provided with the opportunity to make written submissions and provide further evidence prior to the hearing (paragraph 4.1.1);
- the hearing shall be transcribed or electronically recorded (paragraph 4.1.2);
- the hearing shall be conducted in a way which takes account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability (paragraph 4.1.3);
- if necessary, an interpreter shall be made available at the hearing so that the Relocated Individual can understand proceedings (paragraph 4.1.4);
- legal representatives shall provide legal representation (oral submissions) at the hearing (paragraph 4.1.5);
- the Relocated Individual may be invited to make their own oral submissions if they so wish (paragraph 4.1.6);
- decisions shall be made impartially, solely on the basis of evidence before them and in reference to the provisions and principles of the Refugee Convention and humanitarian protection law (paragraph 4.1.7).

95. As detailed in Paragraph 4.2 of Annex B, for the first 5 years following ratification of this Agreement (extendable by agreement between the Parties) the Appeal Body shall have one Rwandan and one other Commonwealth national co-president with asylum/humanitarian protection experience. The co-presidents will be responsible for selecting judges from a mix of nationalities who will then be duly appointed. All judges who are not of Rwandan nationality shall receive training on Rwandan law and judicial practice, and all judges shall, as necessary, receive training on asylum and humanitarian law and practice, on the Agreement and its implementation.

96. The Appeal Body, shall, when hearing appeals, sit by panel of 3 judges, including one of the co-presidents. It will have jurisdiction to conduct a full re-examination of the Relocated Individual's claim in fact and law; and the co-presidents shall determine the procedure they consider appropriate for that purpose.
97. For the first 12 months following ratification of this Agreement (extendable by agreement between the Parties), the Appeal Body shall receive and take into account an opinion from an independent expert in asylum and humanitarian protection law before determining the appeal outcome. To ensure transparency, Rwanda shall ensure that the expert opinion is published.
98. Any appeals may progress further into the Rwandan judicial system in accordance with the Rwandan constitution, but if the onward appeal court overturns the decision of the Appeal Body, it will remit the matter back to the Appeal Body for a fresh hearing. The onward appeal court will therefore not be making decisions about the asylum or protection status of the individual.
99. Each judge shall be able at any time (and shall be periodically invited) to provide feedback on the system's operation and functionality to the Monitoring Committee (see section on [Monitoring Mechanisms](#)).
100. **The establishing of the new appeals process ensures that the final determination of an asylum claim will be objective and independent.**

Monitoring mechanisms

101. The treaty includes enhanced provisions to provide independent scrutiny of Rwanda's asylum procedures aimed at preventing the risk of mistreatment contrary to Article 3 ECHR before it has the chance to occur. **This addresses the findings in the Supreme Court proceedings that under the previous arrangements the work of the Monitoring Committee (MC), acting on behalf of the Joint Committee (JC), would necessarily be retrospective.**
102. The MC was established on 2 September 2022. Its role is to provide an independent quality control assessment of conditions against the assurances set out in the treaty between the UK government and GoR for the provision of an asylum partnership arrangement. It is made up of 8 independent experts: Harish Salve KC, Karina Kielbinska, Morten Lisborg, Alexander Downer, Diko Mukete, Julien Kavaruganda, John P Sendanyoye and Sylvie Kawera. Their full details can be found here: [Monitoring Committee members – Rwanda - GOV.UK \(www.gov.uk\)](#) and here: [Monitoring Committee members – United Kingdom - GOV.UK \(www.gov.uk\)](#).
103. Article 15 of the treaty enhances the role of the independent MC, ensuring that obligations under the treaty are adhered to in practice. The MC will have the power to set its own priority areas for monitoring, will have unfettered access for the purposes of completing assessments and reports, and the ability to publish these reports as it sees fit. They will monitor the entire relocation process from the beginning (including initial screening) to relocation and settlement in

Rwanda. Crucially the MC will undertake daily monitoring of the partnership for at least the first three months to ensure rapid identification of and response to any shortcomings.

104. The treaty enables the MC to agree its own terms of reference and it has done so looking ahead to the provisions of the treaty, setting out the following details of its remit:
- monitoring compliance with the assurances given in the treaty and associated Notes Verbales;
 - reporting to the JC on its findings as to, for example, HMG and GoR's implementation of the obligations in the treaty, reception conditions, accommodation, processing of asylum claims, treatment and support of Relocated Individuals at all times whilst they remain in Rwanda;
 - it may publish its reports following notification to the JC;
 - it is expected to report any significant issues to the JC straightaway;
 - it may provide advice / recommendations to the JC on actions which should be taken to address identified issues;
 - monitoring complaints handling by HMG and GoR;
 - developing its own complaints system to allow Relocated Individuals and their legal advisors to make confidential complaints regarding any alleged failure to comply with the obligations in the treaty (including as to treatment of a Relocated Individual) or any element of the processing of their asylum claim in accordance with the treaty.
105. The MC will have 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 MC will also be able to sit in on interviews by the First Instance Body with the express consent of the individual being interviewed. The MC will also be able to observe hearings before the Appeal Body.
106. The MC will be responsible for putting in place real-time enhanced monitoring and reporting for a minimum of the first three months of the operation of the Agreement. Monitoring shall take place daily, to ensure rapid identification of and response to any shortcomings (see Article 15(7) of the treaty).
107. This enhanced phase will ensure that monitoring and reporting takes place in real time so that the MC can rapidly identify, address and respond to any shortcomings or failures to comply with the obligations in the treaty and identify areas for improvement or urgently escalate issues, prior to any shortcomings or breaches placing a Relocated Individual at real risk of harm. This will include reporting to the JC co-chairs within 24 hours in emergency or urgent situations.
108. During the enhanced phase the following minimum levels of assurance have been agreed by the MC:
- 2 visits to the UK to see the selection process
 - observing 2 boardings and 2 disembarkations
 - observing 3 induction sessions

- weekly visits to accommodation and reception centres
- monthly visits to health facilities and education
- observing education and language training sessions
- observing interviews
- observing appeal hearings
- reviewing the process and paperwork for all individuals relocated to Rwanda in this phase
- monitoring the status of people relocated to Rwanda (captured through the quarterly reporting process and visits to resettlement areas)
- review a sample of 25% complaints (including all serious incidents)
- investigating all complaints received directly
- interviewing on a voluntary basis a sample of 1 in 10 Relocated Individuals at various stages of the process

109. The Terms of Reference are accompanied by a detailed Monitoring Plan, as agreed by the MC. These agreed documents provide a comprehensive and transparent framework for the operation and procedures of the monitoring committee, starting from the immediate departure period of the first cohort of Relocated Individuals and includes the details of the enhanced initial monitoring phase. The plan provides an overview of the MC's specific activities, monitoring techniques, and the personnel involved. It also outlines reporting procedures and describes how the MC intends to operate independently with transparency to ensure accountability.

110. During the period of enhanced monitoring, the MC will report to the JC in accordance with an agreed action plan to include weekly and bi-weekly reporting as required. It will otherwise produce a formal written report for the JC on a quarterly basis over the first 2 years of the partnership setting out its findings and making any recommendations.

111. The MC will be supported in all its work by a new support team (Article 15(8) of the treaty). The new support team will consist of individuals who do not work for either HMG or the GoR. This will help ensure the independence of the MC work.

112. The result of these new provisions agreed under the treaty is that Relocated Individuals can challenge any attempt to remove them from Rwanda, including any denial of access to the asylum system at point of entry or subsequently. The treaty therefore provides protection from direct or indirect refoulement, meaning that transferred individuals will not be removed to their country of origin or to other states which may return them to their country of origin.

Capacity building and training delivery

113. The treaty sets out at Paragraph 3 of Annex B, Part 2 a new process for Rwanda's 'First Instance Body' responsible for making decisions on claims for refugee or humanitarian protection status at first instance. These changes, which will require the introduction of a new, domestic asylum law, will move Rwanda's asylum system to a "case worker" model and address the Supreme Court's conclusions as to the system's capacity.

114. In the meantime, HMG has already worked with GoR to build capacity of their current asylum system.

115. In the event the Treaty is ratified, Article 4 of Part 2 sets out the arrangements for the timing and number of requests the UK may make, and the arrangements for the GoR agreeing to such requests.

116. This work has included agreeing detailed Standard Operating Procedures (SOPs: on Asylum Processing; on Refugee Status Determination; on Ministerial Appeal), reviews of contracts for services GoR have procured (for example, with accommodation facilities and medical insurances companies) and new or revised training programmes. The Home Office has also conducted ground visits, detailed guidance reviews, table-top exercises and walk-throughs to map out the end-to-end MEDP process and better identify prospective areas for strengthening.

117. This is in addition to ongoing training and capacity building for Rwandan officials within the refugee status determination process. GoR's Ministry of Justice (MINIJUST) maintains a contract with the Institute for Legal Practice and Development (ILPD) for the development and provision of training on refugee law to lawyers and GoR officials involved in the refugee status determination and appeals processes. A breakdown of the training delivered, as provided by GoR is set out below:

Institution	Number trained	Content Covered	Trainer
Cohort of 18th to 22nd September,2023			
DGIE	9	Training manual on asylum process	ILPD
MINEMA (inc Eligibility Officers and RSDC members)	5		
MEDP Coordination Unit	5		
Rwandan Bar Association lawyers	9		
Cohort of 20th to 24th November,2023			
DGIE	12	Upgraded Training Manual	UK Home Office technical experts and ILPD
MINEMA (inc Eligibility Officers and RSDC members)	15	- Applying refugee law in asylum interviewing, asylum decision-making and reasoned and evidenced asylum decision-writing.	
MEDP Coordination Unit	8	-Overview of handling trauma and how it can impact an asylum seeker's ability to recount their claim in an interview.	
Judiciary	12		
Rwandan Bar Association lawyers	18		
MINIJUST	7		
National Human Right Commission	4		

118. The course that ran from 20 to 24 November 2023 focussed on cementing knowledge of the Refugee Convention and other relevant international and domestic law and how to apply that in asylum interviews and decision-making. Days 1 and 2 were led by ILPD trainer Dr. Jean de Dieu Zikamabahari, a lecturer in refugee law at the University of Kigali, covering the legal mechanisms for protection, both international and regional, and the Rwandan refugee status determination process. Days 3 to 5 were led by Home Office technical experts and focused on applying refugee law in asylum interviews and decision-making, and best practice in assessing credibility and utilising country of origin information.
119. This training course addressed the specific concerns raised by UNHCR about substantive misunderstandings of refugee law, including the following concepts: imputed political opinion, including the principle that it is not reasonable to expect an individual to conceal their political opinion or sexual orientation in order to avoid persecution (per HJ (Iran)); particular social groups (more [below](#)); sur place claims; and understanding of refoulement, exclusion and revocation clauses. Training also included an overview of handling trauma and how it can impact an asylum seeker's ability to recount their claim in an interview.
120. Going forward, the Home Office will continue to work with GoR in the development of further training and its subsequent roll out. For example, it is proposed for a team from the Home Office's Safeguarding Advice and Children's Champion Team to develop and deliver specialised safeguarding training to relevant GoR officials; and the Team has already taken a first field visit.
121. The UK will continue to provide support and share expertise as required when Rwanda moves to the case worker model set out in the treaty (See Paragraph 3 of Annex B, Part 2). Under this model, for the first 6 months following the date of arrival in Rwanda, Rwanda's First Instance Body will seek and consider advice from a seconded independent expert prior to making any decision to refuse a claim. This will provide a further layer of quality assurance in the decision-making process, as well as supporting the development of further capability and expertise within the Rwandan system.

Discrimination in decision-making

122. **The Supreme Court highlighted Rwanda's lack of experience in considering asylum applications from nationals of countries which are considered routinely in the UK - such as Afghanistan, Albania, Iran, Iraq, Pakistan, Syria, Vietnam and Yemen and referred to UNHCR evidence which showed a 100 per cent rejection rate at RSDC level during 2020-22 for asylum claims from nationals of some of those countries (Afghanistan, Syria and Yemen).**
123. As set out [above](#), training packages delivered by Home Office technical experts in collaboration with the ILPD have already focussed on the importance

of referring to objective country of origin information to support effective, impartial decision-making.

124. HMG believes that individuals will not be discriminated against based on country of nationality. The treaty makes this clear: Article 3(1) provides that the obligations in the treaty will be met *“in respect of all Relocated Individuals, regardless of their nationality, and without discrimination”*. This is in line with Article 16 of the Constitution of Rwanda, which includes a broad prohibition on discrimination.
125. Under the terms of the MEDP, following receipt of a relocation request from HMG, Rwanda must first accept a Relocated Individual before the UK Home Office can make a decision to declare their claim inadmissible and remove that individual to Rwanda. The relocation request form includes the individual’s nationality and country of origin, which the GoR is made aware of before accepting a Relocated Individual. Furthermore, under the terms of the treaty, Rwanda undertakes to treat each Relocated Individual, and process any protection claim, in accordance with the Refugee Convention and international human rights law. In the event that GoR rejects a claim (or no claim is made), under the terms of the new treaty, Rwanda undertakes that they will not remove any person relocated under the MEDP except back to the UK, and that individuals not granted asylum or humanitarian protection status will get equivalent treatment including permanent residence. GoR would not agree to such an obligation if there was a genuine discrimination towards persons from a particular state or region.
126. As set out above (see [‘monitoring mechanisms’](#)), the role of the MC has also been enhanced. It will monitor the asylum systems and processes in Rwanda from the first flight, to ensure that they align with the obligations set out in the treaty. In an initial enhanced monitoring phase, the MC will give particular focus to the refugee status determination process. It will have unfettered access to Rwanda’s asylum system, acting to ensure that refugee status decisions are objective and compliant with Rwanda’s obligations under the Refugee Convention. The MC will provide additional assurance that the principle of non-discrimination is followed in practice by decision-makers: it will review decisions to confirm that claims have been individually examined and that all relevant information has been considered. This will ensure that claims are assessed on their merits and that they will not be rejected on the basis of nationality.
127. The entire relocation process will, in accordance with Article 15 of the treaty, be monitored by the MC, which will report on the parties’ compliance with the obligations set out in the treaty.
128. Furthermore, the British High Commission Kigali is already aware of a number of cases of successfully resettled people in need from Afghanistan and Sudan. This includes:
- Sudan’s University of Medical Sciences and Technology (UMST) relocating to Rwanda to enable its students to complete their studies while the conflict is ongoing. UMST management plans to gradually

transfer over 7,000 students to Rwanda under the programme. Already, 160 students have arrived in Kigali, with a second batch of 180 expected to fly in late November.

- The School of Leadership Afghanistan (SOLA) is a girls' boarding school which relocated from Kabul to Rwanda after the Afghan government and armed forces collapsed in August 2021. Nearly 250 members of the SOLA community (including the entire student body as well as several graduates of the residential life program, totalling more than 100 girls) arrived in Rwanda. New Afghan students continue to arrive and live/stay at the school in Rwanda each year.

129. This indicates a positive response on the part of GoR in resettling and supporting individuals from mixed nationalities, including those from outside the region.

Handling of vulnerability and safeguarding concerns

130. Safeguarding arrangements are set out in detail in the SOP on Identifying and Safeguarding Vulnerability, dated May 2023, which states that at any stage in the refugee status determination and integration process, officials may encounter and should have due regard to the physical and psychological signs that can indicate a person is vulnerable.

131. The SOP sets out the process for identifying vulnerable persons and where appropriate making safeguarding referrals to the relevant Protection Team. Screening interviews to identify vulnerabilities will be conducted by Protection Officers who have received the relevant training and are equipped to competently handle safeguarding referrals. The Protection Team may trigger follow-up assessments and/or treatment as appropriate. In addition, Protection Officers may support an individual to engage in the asylum process and advise relevant officials of any support needs or adjustments to enable the individual to engage with the process.

132. Where appropriate, the Protection Team may refer vulnerable individuals for external support, which may include medical and/or psychosocial support, or support within their accommodation, and where possible this should be with the informed consent of the individual.

133. Article 13 of the treaty makes specific provision that Rwanda will have regard to information provided about a Relocated Individual relating to any special needs that may arise as a result of their being a victim of modern slavery or human trafficking and shall take all necessary steps to ensure that these needs are accommodated.

134. Rwanda will carry out an initial medical assessment of each Relocated Individual to establish their medical needs. This assessment will take place as soon as possible following the Relocated Individual's arrival in Rwanda.

135. In line with our obligations under the Refugee Convention and to ensure compliance with international human rights standards, each Relocated Individual will have access to quality preventative and curative primary and secondary healthcare services that are at least of the standard available to Rwandan nationals. This is provided through a comprehensive agreement between Government of Rwanda and medical insurance companies for the duration of 5 years and through MoUs with hospitals in Kigali.

Reception, accommodation and integration

136. The SOP on Reception and Accommodation Facilities, dated 27 September 2023, establishes a comprehensive set of guidelines and procedures for efficiently managing accommodation and reception facilities provided to Relocated Individuals by the MEDP-CU within GoR. The SOP details the standards for accommodation and reception facilities which reflect the assurances agreed between the UK and Rwanda under the terms of the original MEDP, as set out in the Notes Verbales. These will be updated to reflect the standards as set out in the treaty. The SOP also outlines the responsibilities of accommodation service providers and the MEDP-CU for reception and accommodation arrangements, for facilitating medical, psychosocial, and integration support, and for arranging translation, interpretation and legal services. These ensure that Relocated Individuals will be treated in accordance with international human rights standards.

137. Article 8 of the treaty confirms that upon arrival, Rwanda shall provide each Relocated Individual with accommodation and support that is adequate to ensure the health, security and wellbeing of the Relocated Individual. Detailed assurances on the standard of accommodation and support Rwanda will ensure those relocated can access without delay upon arrival are set out in the treaty at Part 1 of Annex A.

138. Under Article 8(2) of the treaty, Relocated Individuals are free to come and go, including to and from the accommodation that has been provided, at all times. This non-detained model is in line with the UK's commitments under Article 5 ECHR, which allows for detention in the immigration context for the purposes of immediate examination and imminent removal only.

139. Relocated Individuals under the MEDP will be provided with information detailing how to raise a claim for asylum or humanitarian protection upon arrival and shall be provided with adequate opportunity to raise such a claim.

140. In practice, the GoR have obtained a number of initial reception accommodation sites and service providers in line with individuals accepted for relocation by Rwanda. Once their asylum claims have been processed, individuals will be housed in longer term accommodation.

141. In the longer term, to support successful integration (and in accordance with the Refugee Convention), Paragraph 8 of Annex A, Part 1 of the treaty provides

that each Relocated Individual shall have access to quality education and training (as relevant to their age and needs) that is at least of the standard that is accorded to Rwandan nationals. Rwanda shall recognise foreign school certificates, diplomas and degrees as provided for by MINEDUC regulations. Each Relocated Individual shall be provided with the scholastic materials necessary to complete their education or training, including, for example, stationery and exercise books.

142. As set out [above](#), the MC will provide real-time, comprehensive monitoring, with an initial period of enhanced monitoring, of the end-to-end relocation and claims process to ensure compliance with the standards agreed in the SOPs and the treaty obligations.

Post decision treatment for recognised refugees and failed asylum seekers

143. Article 10(1) of the treaty ensures that for those recognised as refugees by Rwanda, Rwanda shall grant the Relocated Individual refugee status and provide support and accommodation and treatment in accordance with the Refugee Convention. At a minimum, Rwanda agrees to provide the support and accommodation listed in Part 2 to Annex A.

144. Where a Relocated Individual is not recognised as a refugee, Article 10(2) of the treaty provides that Rwanda shall consider whether they have another humanitarian protection need, such that return to their country of origin would result in a real risk of their being subjected to inhumane, degrading treatment or torture or a real risk to their life. Where such a protection need exists, Rwanda shall provide treatment consistent with that offered to those recognised as refugees and they shall be treated in accordance with international and Rwandan standards.

145. Article 10(4) provides that for Relocated Individuals not falling under Articles 10(1) and 10(2), Rwanda shall:

- a. regularise that person's immigration status in Rwanda, so as to ensure a right to remain in Rwanda in the form of a permanent residence permit;
- b. provide adequate support and accommodation for the Relocated Individual's health and security in accordance with Part 1 of Annex A, from arrival in Rwanda until such a time as their status is regularised in accordance with Article 10(4)(a);
- c. once their status is regularised, grant the rights and treatment as set out in Part 2 of Annex A.

146. The effect of Article 10 is that all Relocated Individuals whether granted protection or not will have access to the same level of support and accommodation in accordance with Part 1 of Annex A, and all the support detailed under Part 2 of Annex A, including language training, professional development and integration programmes.

147. The treaty is also clear that no Relocated Individual (even if they do not make an application for asylum or humanitarian protection or whatever the outcome of their applications) shall be removed from Rwanda, except to the UK. The Parties shall cooperate to agree an effective system for ensuring that removal contrary to this obligation does not occur, which includes systems (with the consent of the Relocated Individual as appropriate) for returns to the United Kingdom and locating, and regularly monitoring the location of, the Relocated Individual. **The inclusion of this provision within the treaty addresses the concerns raised by the Supreme Court that individuals may be refouled to countries where they would be at risk of inhumane or degrading treatment contrary to Article 3 ECHR.**