



# Joint Committee on Human Rights

Committee Office · House of Commons · London · SW1A 0AA

Tel 020 7219 4710 Email [JCHR@parliament.uk](mailto:JCHR@parliament.uk) Website [www.parliament.uk](http://www.parliament.uk)



From Joanna Cherry QC MP, Chair

**Rt Hon Priti Patel MP**  
**Secretary of State for the Home Department**

Home Office  
2 Marsham Street  
London  
SW1P 4DF

By email

21 July 2022

Dear Home Secretary,

I am writing as Chair of the Joint Committee on Human Rights to set out the Committee's concerns in respect of the human rights implications of the UK-Rwanda Migration and Economic Development Partnership (MEDP). This agreement directly concerns human rights because it affects asylum seekers: people claiming refuge in the UK from human rights abuses in their own country. The Refugee Convention, under which the international community, including the UK, provides protection for refugees has its origins in the Universal Declaration of Human Rights, which at Article 14 recognises the right to seek asylum from persecution. Removing an individual from the UK to another state where they face a real risk of serious human rights abuses is also prohibited by the European Convention on Human Rights (ECHR) and the Human Rights Act.

On 8 June 2022, the Joint Committee on Human Rights held an oral evidence session on the UK-Rwanda MEDP and Human Rights. This followed an exchange of letters between Harriet Harman, then the Chair of the JCHR, and you on the same subject, in which a number of queries the Committee had in respect of the MEDP were answered.

Since that evidence session, the first flight taking asylum seekers to Rwanda was suspended as a result of legal challenge and, in particular, an intervention by the European Court of Human Rights. Nevertheless, we understand that the Government's intention is to continue with the MEDP policy and it therefore remains important for us to set out the following concerns.

*Nature of the policy*

Firstly, we wish to emphasise that the MEDP policy would result in the UK sending asylum seekers to Rwanda to make their claim within the Rwandan asylum system and to remain in Rwanda if accepted as a refugee. This is not a system by which Rwanda would carry out asylum processing on the UK's behalf. We understand the

intention to be that once the individuals have been sent to Rwanda they are no longer the UK's responsibility. We emphasise this because we are not sure that this is widely understood.

### *Consistency with the Refugee Convention*

We note that the UN High Commission for Refugees (UNHCR) has identified the MEDP as an example of the 'externalization of international protection' which is inconsistent with the Refugee Convention.<sup>1</sup> We are similarly concerned that the MEDP could be seen as an outsourcing of the UK's own obligations under the Refugee Convention to another country.

### *Efficacy of the policy*

You have identified that the Rwanda policy is needed to disrupt the smuggling of asylum seekers into the country. We share the Home Office's desire to reduce the number of dangerous channel crossings, which put many lives at risk. We are unconvinced, however, that a measure designed to deter vulnerable individuals (most of whom are likely to be recognised as refugees)<sup>2</sup> and pass responsibility for them to Rwanda, rather than increasing the safe routes available, is an appropriate, or indeed effective, way to achieve this aim. We note the recent report from the Home Affairs Select Committee on Channel crossings, migration and asylum concludes that it is currently unclear that the MEDP will have the effect of deterring asylum seekers from using irregular routes, and has called for the Government to provide the evidence base for assuming such an effect.<sup>3</sup> We also note both the Home Secretary's Ministerial Direction to her Permanent Secretary, who had stated that "evidence of a deterrent effect is highly uncertain",<sup>4</sup> and reports of recently disclosed internal Home Office memoranda criticising the limited evidence that this policy would have the deterrent effect claimed.<sup>5</sup>

### *Scope of the MEDP*

The terms of the MEDP are set out in the Memorandum of Understanding (MoU) agreed between the UK and Rwanda. While we understand it to be Home Office policy to limit those who will be transported to Rwanda to asylum seekers who have entered the country by "illegal and dangerous routes", this is not specified in the MoU. Neither does the MoU exclude any vulnerable groups, such as LGBTQ asylum seekers, victims of torture or even children (although we note that reassurances have been given in the House of Commons and House of Lords that unaccompanied asylum-seeking children will not be removed to Rwanda).<sup>6</sup> The MoU provides simply that it

---

<sup>1</sup> [UNHCR Analysis of the Legality and Appropriateness of the Transfer of Asylum Seekers under the UK-Rwanda arrangement](#), paras 24-25

<sup>2</sup> Research by the Refugee Council from November 2021 suggests that, particularly given the nationalities of those who enter the UK by small boats, they are statistically highly likely to be successful in their asylum claim - Refugee Council, '[An analysis of Channel crossings and asylum outcomes](#)'.

<sup>3</sup> Home Affairs Committee, "Channel crossings, migration and asylum", First report of Session 2022-23, 18 July 2022, HC 199

<sup>4</sup> <https://www.gov.uk/government/publications/migration-and-economic-development-partnership-ministerial-direction>

<sup>5</sup> <https://news.sky.com/story/officials-advised-priti-patel-against-rwanda-deportation-plan-court-documents-reveal-12654990>; <https://www.theguardian.com/uk-news/2022/jul/19/uk-officials-raised-concerns-over-rwanda-policy-documents-show>

<sup>6</sup> HC Deb 13 June 2022 c36 and HL Deb 14 July 2022 c1597. While we welcome this reassurance, we also note that making this exception effective depends on an age assessment process that correctly identifies those who are under 18.

applies to “asylum seekers”. In the absence of established limits, there is an increased risk not only that the policy could be applied too widely but also that it could be limited to certain groups in a discriminatory manner. The lack of limits within the agreement is a matter of concern.

### *Ability to challenge*

For those who are selected for removal to Rwanda, it is unclear to us from the evidence we have heard that they will have an adequate opportunity to challenge their removal. Despite the significance of the decision to take an individual out of the UK asylum system and send them to a country thousands of miles away, appeal rights are limited, with costly judicial review proceedings the only effective mechanism for legal challenge. Access to adequate legal representation within the available timeframe is not straightforward, particularly for individuals in immigration detention and for those suffering as a result of trauma faced prior to and during their voyage to the UK. We are concerned that the lack of an effective appeal process enhances the risk that people will be removed to Rwanda without a fair hearing and in breach of their rights.

### *Safety in Rwanda*

Removing asylum seekers to a state where they face a real risk of serious human rights abuses, or of being sent on to a dangerous third country as a result of an inadequate asylum system, is inconsistent with the UK’s human rights obligations. While we have received mixed reports on the safety of Rwanda, particularly for vulnerable groups, and the adequacy of its asylum system, we are not satisfied that it is a sufficiently safe destination to be a partner in this kind of asylum agreement. Reports of official material that has recently come to light fortify this view, including of the UK High Commissioner to Rwanda UK High advising against the country being used for an asylum partnership and of Rwanda being identified as presenting substantial issues in relation to asylum systems and human rights and meriting an amber/red rating due to significant human rights concerns.<sup>7</sup>[x](#) [fn7](#) In contrast to the arrangements to facilitate the removal of inadmissible asylum seekers that were in place with EU countries prior to Brexit, the MEDP with Rwanda is not based on a shared legal system and particularly a shared commitment to the ECHR. We are concerned that the agreement has been put in place without adequate assurances as to the safety of those removed to Rwanda.

### *Reliance on the MoU*

We note that under the terms of the MoU, Rwanda does commit to ensuring individuals removed there and subject to asylum processing will be treated in accordance with Rwandan law, the Refugee Convention and “international and Rwandan standards, including under international and Rwandan human rights law.”<sup>8</sup> This is obviously a welcome commitment, but we are unconvinced as to its value – particularly to those directly affected by the policy. This is because the MoU is specifically stated not to be binding in international law, not to create or confer any right on any individual, and not to be justiciable in any court of law by third-parties or individuals.<sup>9</sup> It appears clear that the MoU offers a person who has been removed to Rwanda and then treated

---

<sup>7</sup> <https://news.sky.com/story/officials-advised-priti-patel-against-rwanda-deportation-plan-court-documents-reveal-12654990>; <https://www.theguardian.com/uk-news/2022/jul/19/uk-officials-raised-concerns-over-rwanda-policy-documents-show>

<sup>8</sup> See para 9.1.1 of the MoU

<sup>9</sup> See paras 1.6 and 2.2. of the MoU

incompatibly with their human rights no legal recourse. This is a fundamental concern for ensuring compliance with human rights standards.

The Joint Committee on Human Rights hopes that the Government will demonstrate commitment to human rights and the protection of refugees and reconsider the UK-Rwanda MEDP.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanna Cherry', with a large, stylized initial 'J'.

**Joanna Cherry QC MP**  
Chair of the Joint Committee on Human Rights