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The UK-Rwanda asylum deal indicates a failure to make human rights a reality

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Serious concerns continue to be raised over the [UK-Rwanda asylum seekers' deal](#), principally from a [human rights perspective](#). The structural issues within the UK's asylum system have hindered safe passage and resettlement for vulnerable people. For the system to be fair, a human rights-based approach must be adopted when designing and implementing policies. Of particular importance are the two stages of processing and implementation, which include the expressions of temporal fairness.

In April 2022, the governments of the UK and Rwanda entered into a [Memorandum of Understanding](#) (MOU) for the provision of an asylum partnership arrangement, or the [UK-Rwanda deal](#). The arrangement would export the responsibility of the UK to carry out refugee status assessments on a case-by-case basis, to Rwanda. The UK government has international obligations as a signatory to the [International Convention on Refugees](#) (the Convention), and this deal undermines international refugee law and circumvents the UK government's

obligations to enhance the international protection of refugees, by instead promoting responsibility sharing.

The MOU states that 'Rwanda commits to receive asylum seekers from the United Kingdom, to consider their claims for asylum, ... and arranging for the settlement in Rwanda of those recognised as refugees or otherwise requiring protection.' The provision is broad and vague; it threatens the freedom of asylum seekers and refugees, which violates the principle of *non-refoulement* provided in article 33 of the Convention. There are critical concerns about Rwanda's ability to provide the level of protection required by the Convention.

According to the United Nations High Commissioner for Refugees (UNHCR), Rwanda lacks the **capacity** to provide the protection that asylum seekers and refugees need as 'the majority live in camps with limited access to economic opportunities.' **Rwanda's worrisome human rights record** also raises serious questions about the deal. These concerns caused the European Court of Human Rights (ECHR) to **temporarily halt** the flights leaving London for Kigali.

The **COVID-19 pandemic has further exposed the shortfalls in the system**. Specifically, the failure to put those seeking international protection at the center of all efforts and ensure that these systems remain adequate, even during times of emergency. The recent UK-Rwanda deal reveals the lack of provision for an adequate system; negative political rhetoric and anti-migration attitudes have dominated narratives. Against this background, it is important to highlight the benefits of a human rights-based approach and the protection it would provide, as envisaged in the Convention.

Lack of expediency in the system

The Home Office has been criticised for the delay in the processing of applications, as has been seen in the stalled start to the **Ukrainian refugee scheme**. Generally, the situation is worsened by the fact that there are **no uniform timelines** for processing applications, the time taken is arbitrary. This has created strenuous conditions for asylum seekers and refugees who have limited rights and are forced to live precariously while they wait. Long processing times and uncertainty result in mental health-related illnesses and excessive delays can make refugees and asylum seekers feel as if they are being **punished**.

Contrary to the spirit of the Convention, seeking international protection has been penalised.

Lack of adequate housing

The housing allocated to asylum seekers and refugees is usually poor. **Research conducted** by The Independent Chief of Borders and Immigration (ICIBI) found low standards in the majority of asylum housing, with issues such as rodents, mould, damp and poor ventilation frequently reported. Another challenge relates to the stringent 28 days' time period within which those granted refugee status are given to find alternative accommodation.

Neither policy accounts for adequate housing rights or the difficulties that refugees may face in securing accommodation. This has resulted in many refugees becoming **destitute and sleeping rough**. As such, there is need to review the 28 days' timeframe and allocate enough assistance to secure safe accommodation.

Lack of protection for vulnerable and at-risk children

The **hostile environment** towards refugees and asylum seekers in the UK extends to children at risk. The **UNHCR** has reported concern over the dismissal of cases from young people and children from conflict-affected countries. In some of the cases, international protection is rejected and the children are granted temporary leave to remain in the UK until the age of 18. This violates the **International Covenant on the Rights of the Child**. It creates uncertainty and instability in the lives of children resulting in mental and physical distress. It does not consider the lived experiences of children, such as those from **Eritrea**, who, when approaching the age of 18, are at risk indefinite national service.

A human rights-based approach would secure policies that protect vulnerable children, even after their 18th birthday, following an assessment of the prevailing conditions in their home countries.

While the **UK-Rwanda deal** has generated wide public debate, deeper issues need to be addressed. Policies should be alive to the lived realities of asylum seekers and refugees; designing them in isolation is ineffective. Seeking international protection is a right, and often the only avenue for protection available to those

facing persecution. The threat of relocation to a third country, as in the UK-Rwanda deal, does not protect this right.

The shortfalls highlighted have existed for over a decade. In addition to the legal challenges, both policy reform and practice adjustments should be considered.

Further, there should be continuous effort to highlight that externalising responsibility, as the UK intends to do, will 'magnify risks, causing refugees to seek alternative routes, and exacerbate pressures on frontline states migrants are seeking to pass through.'

Maintaining the deterrent of a hostile environment in the UK is inhuman and runs contrary to international law. Efforts should be focused on promoting policies and practices that are human rights-based. Evidence has shown that protecting refugees and asylum seekers facilitates safe resettlement and integration.

Photo: Home Secretary Priti Patel and Minister Biruta sign the migration and economic development partnership between the UK and Rwanda. Credit: UK Home Office. Licensed under (CC BY 2.0).

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