

**The legality of processing asylum claims in Rwanda is questionable:** by *Grace Brown, barrister at Garden Court Chambers* (24<sup>th</sup> May 2022)

The [immigration rules](#) were amended at the end of 2020 to allow for asylum seekers who have travelled through a 'safe third country', to have their asylum claims declared 'inadmissible'. Where a claim is held to be inadmissible, the asylum seeker faces removal to a safe third country – where that country agrees to receive them. The [Nationality and Borders Act 2022](#), which received royal assent and became law on 28 April 2022, has put the inadmissibility immigration rules into primary legislation. It makes [sweeping](#) changes to the UK asylum system.

Prior to the [Memorandum of Understanding 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 arrangement](#), published on 14 April 2022, there had been no agreement in place between the UK and any other country. No asylum claim had therefore previously been made the subject of the inadmissibility immigration rules in question.

As a result of the Memorandum with Rwanda, and on 11 May 2022, the Home Office updated its [guidance](#) on the admissibility immigration rules and produced a [Country of Origin Information](#) report on Rwanda.

In an interview on 14 May 2022, the Prime Minister is [reported](#) to have said that 50 people have been told they will be sent to Rwanda on or after 29 May 2022. In a later report, on 21 May 2022, it was stated that:

- Almost 100 people have been served with notices informing them that they will be removed to Rwanda
- The numbers subject to removal to Rwanda will increase from June 2022
- Removals to Rwanda may begin on or after 06 June 2022

Sending asylum seekers to Rwanda is likely to breach international and domestic law. It is tantamount to a 'penalty'. The imposition of penalties to refugees (and asylum seekers) is not permissible under Article 31 of the [Refugee Convention](#). Removals may also give rise to concerns over the treatment of some LGBTQI+ asylum seekers. Those concerns are acknowledged and not disputed in the Home Office [Equality Impact Assessment](#) on Rwanda removals. Unaccompanied children may also be caught up in the removals as age assessment is not a precise science and children as young as 15 have been [assessed](#) as aged 22 or 23.

MPs are urged to:

- Support and/or promote affected individuals and groups in their entirely permissible and justified legal [challenges](#) brought against attempts to remove asylum seekers to Rwanda.
- [Submit](#) and/or encourage expressions of interest to the Independent Chief Inspector of Borders and Immigration to review and evaluate Home Office Country Information Products on Rwanda, by the closing date of **30 May 2022**.
- Condemn and resile from the government's denigrative branding of human rights lawyers, who are seeking to uphold the rule of law, as 'leftie' or 'activist' lawyers.

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