



14 April 2022

## Concerns over the UK - Rwanda Migration and Economic Development Partnership.

The East African Centre for Forced Migration and Displacement (EACFMD) is concerned about the plan by the UK & Rwandan governments to “offshore” asylum seekers in the UK to Rwanda under the newly unveiled “migration and economic development partnership” as it is contrary to the UK’s and Rwanda’s obligations under international refugee law.

The plan as currently announced is inconsistent with the fundamental right for all, to seek and enjoy asylum from persecution under Article 14 of the 1948 Universal Declaration of Human Rights (UDHR), the 1951 Convention Relating to the Status of Refugees as well the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention").

In addition, the plan, in absence of guarantees of safety and protection from violations of human rights, further violates Articles 33 of the 1951 convention that prohibits States from expelling refugees in any manner whatsoever to the frontiers of territories where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.

While dubbed as an “innovative solution”, the plan is likely to perpetuate the notion of “desirable refugees” - giving preferential treatment to some while offshoring others - as it lacks clarity and transparency on the criteria to be applied while determining which asylum seekers will be permitted to seek and enjoy asylum in the UK and which asylum seekers will be sent to Rwanda. This plan further violates non-discrimination clauses under Article 3 of the 1951 convention. It is likely that the plan as unveiled will do further harm by separating asylum seekers from their family members contrary to the principle of family unity as well as expose asylum seekers to psychosocial and mental health concerns.

Instead, the EACFMD recommends adoption of complementary pathways such as humanitarian visas, labour mobility schemes and family reunification in line with the Global Compact on Refugees.

## Notes to Editors:

### i. Under the 1951 Convention on the Status of Refugees,

1. The term "refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.

**In addition, the 1961 OAU convention provides an extended definition of the term as highlighted below: -**

2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

**Article 1 AF of the 1951 Convention provides for an exhaustive list of exclusion criteria for persons not eligible to enjoy asylum as a result a past criminal record.**

“The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.”

### ii. East African Centre for Forced Migration & Displacement

The East African Centre for Forced Migration & Displacement is East Africa’s 1<sup>st</sup> truly local multi-disciplinary centre dedicated to promotion of the scholarship and practice of international refugee law. The centre works with a pool of researchers, humanitarians, academics, practitioners, displaced persons and policymakers from the region to create an enabling platform for collaboration on various thematic areas of migration and asylum.

**For media enquiries.**

Please contact: [media@forcedmigration.or.ke](mailto:media@forcedmigration.or.ke)

<https://forcedmigration.or.ke/>

Twitter: @migrationke