

## Concerns about the UK's Rwanda Act 2024

3 May 2024

**KIND UK and Central England Law Centre are saddened by the passage of the Safety of Rwanda Act (“Rwanda Act”) which became law on 25 April 2024.<sup>1</sup>**

The Rwanda Act, together with the 2023 [Illegal Migration Act](#) (“IMA”) and other immigration laws, as well as the UK’s 2023 [treaty with Rwanda](#), will have harsh, adverse impacts on the children, young people, and adults they affect. If implemented in full, these laws will result in detention and removal to Rwanda (or other countries in which safety may remain a serious concern). Many people affected will likely face long periods of instability, poverty, and distress. It is the considered opinion of many experts, including the United Nations refugee and human rights agencies (UNHCR and OHCHR), that implementation of the Rwanda Act and the IMA will lead to violations of international law.<sup>2</sup>

The Rwanda Act is at odds with the judgment of the UK Supreme Court of November 2023, which found that people sent from the UK to Rwanda would be at risk of human rights violations. The Supreme Court found that there was evidence of deep, systemic flaws in Rwanda’s asylum system. Rwanda also has a poor human rights record more generally, with evidence of murders, disappearances, torture, and other serious violations.<sup>3</sup> We and others have grave concerns that these issues have not been fully addressed, and that Rwanda remains unsafe.

The Illegal Migration Act is not fully in force as of 1 May 2024, but the leave to remain and citizenship provisions have been in force since 20 July 2023, and some other provisions have come into force since then. The removal and detention provisions will likely be brought into force soon. In addition to concerns about potential detention and removal to Rwanda, we and others are deeply concerned that the 2023 Illegal Migration Act leaves many children and adults who entered the UK irregularly on or after 7 March 2023 permanently barred from leave to remain and British citizenship.<sup>4</sup> The IMA will also have a costly and detrimental impact on many local authorities in the UK, as summarised in this [joint statement](#).

We believe the UK Government should treat people seeking protection in the UK, and all children in the UK, regardless of their background, with dignity, respect, and compassion, in line with international law and standards. We hope for fair, human rights-based immigration, asylum, and nationality laws, policies, and practices.

## FAQs

***Please note: none of the below information should be considered legal advice. It has been prepared by experts at KIND UK and CELC and is correct to the best of our knowledge at the time of writing. However, the current situation is changing rapidly, and some of the relevant laws are new, complex and in some cases not yet in operation and/or untested. anyone affected should seek proper legal advice.***

**What do the Rwanda Act and the Illegal Migration Act do?**

In summary, the **Rwanda Act** requires British officials and judges to treat Rwanda as a safe country to which people can be sent if they are subject to removal from the UK under the Illegal Migration Act or other relevant laws. The Act says legal challenges cannot be based on claims that Rwanda is generally unsafe. However, individuals can still potentially prevent their removal if they can show that they would be at “real, imminent and foreseeable risk of serious and irreversible harm if removed to the Republic of Rwanda” based on their own particular circumstances.

In some cases, it may also be possible to prevent removal, for example if the correct procedures have not been followed or if there should be an exception to the application of the Illegal Migration Act (when it is in force) (or another relevant law).

A more detailed summary of the Rwanda Act is available for legal advisers on [Free Movement](#).

In summary, **the Illegal Migration Act**,

- From 20 July 2023, bars most people who entered the UK irregularly (who meet the criteria of the removal provisions) **on or after 7 March 2023** from ever being granted leave to remain or British citizenship, unless an exception applies. There are potential exceptions for: 1) unaccompanied children; 2) victims of trafficking who are cooperating with an investigation; or 3) where failure to grant *limited leave to remain* would result in a violation of the European Convention on Human Rights (ECHR), other international law, or there are exceptional circumstances; or where failure to grant *indefinite leave to remain or British citizenship* would result in a violation of the ECHR, when fully in force:
- When fully in force, will *require* the Government to remove people who have entered the UK irregularly, if they have not come *directly* from a country where their ‘*life and liberty were threatened by reason of their race, religion, nationality, membership of a particular social group or political opinion*’. Removal will be permanent and to a country the Government considers to be safe, in many cases Rwanda (if possible). The UK Government will not consider whether the person subject to removal under the IMA is a refugee or in need of humanitarian protection. There are some limited exceptions in the IMA, but these may be difficult to access.
- When fully in force, will expand powers to detain people who are subject to removal under the Act.  
[Note: the IMA contains various other provisions; this is a limited selection].

**Q: Who can the UK Government send to Rwanda?**

A: Under laws existing before the IMA, the Government has the **power to remove** certain people whose asylum claims have been declared inadmissible in the UK. According to Home Office guidance, people whose asylum claims have been declared inadmissible may be removed to Rwanda if their ‘*journey to the UK can be described as having been dangerous*’; they **are not/do not have children under age 18**; and they applied for asylum **on or after 1 January 2022**.<sup>5</sup>

Subject to limited exceptions, if the removal provisions of the IMA are brought into force, the Government will have a **duty to remove** people who entered the UK irregularly on or after **20 July 2023\*** (if they meet the IMA criteria for removal). The Government will likely seek to remove some of these people to Rwanda. \*The Government could change the 20 July date to a later date.

Some people are being asked if they want to go to Rwanda voluntarily. News reports indicate that at least one person who had been refused asylum in the UK accepted such an offer, with a payment from the UK Government of £3,000, and flew to Rwanda on 29 April 2024.<sup>6</sup>

**Q: What can people do if they receive a written notice or phone call about sending them to Rwanda?**

A: Before a person can be removed from the UK, they must receive a Notice of Intent to remove. This should inform them of:

- The country to which they will be removed
- That they have a right to appeal against removal
- The time limit for appealing

People who receive a notice that they will be removed to Rwanda should seek legal advice immediately. **The deadlines for challenging removal are very short.**

In some areas, it might also help to contact a Member of Parliament to request help for people threatened with removal to Rwanda. The contact details for the relevant MP can be found here: [Find your MP - MPs and Lords - UK Parliament](#).

**Voluntary departure:** If a person receives an offer to go to Rwanda on a voluntary basis, they can choose whether or not to accept. It is advisable to ask for the offer to be sent in writing and seek legal advice before agreeing or signing anything, to ensure the terms and consequences of accepting such an offer are understood.

**Q: How can people at risk of removal to Rwanda find a solicitor or qualified legal adviser?**

A: It is important to seek advice from a qualified solicitor or legal adviser if at all possible. People in need of legal advice about possible removal to Rwanda can try these (or other) options:

- [Wilsons Solicitors](#) (a Legal Aid law firm in London) has set up a special project to assist people facing removal to Rwanda. Referrals can be sent to: [rwandareferrals@wilsonllp.co.uk](mailto:rwandareferrals@wilsonllp.co.uk). They will signpost to other organisations if they cannot provide direct assistance.
- [Care4Calais](#) (a charity) may be able to help people who receive a notice of removal to Rwanda and/or who are detained and at risk of removal to Rwanda. Contacts: for people who have received **notice of removal to Rwanda +447519 773268** (text via Whatsapp); for people who are **detained and at risk of removal to Rwanda: +44 800 009 6268 (ring)**. More information is available (in some additional languages) on their [website](#).
- [Greater Manchester Immigration Aid Unit](#) (a charity) may be able to assist people who are in the Northwest of England who are at risk of removal to Rwanda.
- Central England Law Centre may be able to assist a limited number of people at risk of removal to Rwanda who qualify for Legal Aid and who are living in the West Midlands area, who are not detained: [Contact Us | Central England Law Centre Limited \( Main Site \) \(centralenglandlc.org.uk\)](#)
- [Bail for Immigration Detainees](#) is a charity that assists people to get out of immigration detention where possible. There are lots of helpful resources on their website too.
- Duncan Lewis Solicitors may be able to assist people detained and at risk of removal to Rwanda. Requests for help can be made using [this form](#).
- Right to Remain's [Lawyers Toolkit](#) includes helpful links and advice on what to look for when searching for a legal adviser.
- [Find a Solicitor - The Law Society](#)
- [Adviser Finder \(oisc.gov.uk\)](#)

- [Directory of Legal Aid providers - GOV.UK \(www.gov.uk\)](#)
- [Members directory - Immigration Law Practitioners' Association](#)
- [Law Centres Network](#)
- [Citizens Advice](#) may be able to help people find solicitors in some cases  
[Refugee Council](#) (for unaccompanied children seeking asylum)
- Migrant and refugee charities in local area. It may help to look for charities that have published statements or resources about the Illegal Migration Act, the Rwanda Bill or Act, or refugees from a particular country.

**Q: How many people will be sent to Rwanda?**

A: It is unclear how many people will be removed to Rwanda. The UK Government says there is no cap. But the numbers will be based on how many people can actually be removed from the UK (despite legal and other potential challenges to removal) and how many the Rwandan Government has capacity for. A news article published on 1 May 2024 indicates that Rwanda may have agreed to accept 5,700 people forcibly removed from the UK.<sup>7</sup> Other sources have indicated that Rwanda has capacity to accept around 200 people per year in the first 5 years of the project; the UK Government has said it expects to send 2,000 people to Rwanda in the first 6 months; and some other sources suggest various other numbers.<sup>8</sup>

**Q: How do the Rwanda Act and the Illegal Migration Act affect children?**

A: Under law and policies current as of 1 May 2024, children (under 18) will not be sent to Rwanda; but some children who are wrongly assessed as adults may be. There is already evidence that the Home Office has incorrectly assessed children as adults and targeted them for detention and removal to Rwanda.<sup>9</sup>

Under the IMA provisions which are already in force, many children who entered the UK irregularly from 7 March 2023 are barred under the Illegal Migration Act from being granted leave to remain or British citizenship, unless an exception applies.

If the removal and detention provisions of the IMA come into force:

- Children who entered the UK irregularly and **unaccompanied** by an adult parent or carer from 20 July 2023 may be granted leave to remain in the UK, but after turning 18, they face being barred from leave to remain and subject to removal (to Rwanda or another allegedly safe country).<sup>10</sup>
- In addition, the IMA gives the Home Office the power to remove unaccompanied children from the UK in certain circumstances, including: to be reunited with a parent; to be removed to a country designated as safe in which they have citizenship, or a passport or identity document; or, if they have not made a human rights or protection claim, to a country where the child has nationality, a passport or identity document, or a country from which they entered the UK; or in other circumstances set out in (future) regulations.
- Children who entered the UK irregularly **with family members or carers** from 20 July 2023 (if they fall within removal criteria) will be subject to removal to Rwanda or another allegedly safe country, unless an exception is made (but there is no general exception for children who are with their family members).

Children (or those assisting them) who may be affected by these laws, or who otherwise need support, could try contacting children's charities, legal advisers, and/or the children's services team at the local council for the area in which they live to request assessment of whether they are 'children in need', or (especially if not with their parents) to ask if they are entitled to be 'looked after', and to ask whether the local authority can help them in other ways.

**Q: What will happen to people if they are sent to Rwanda?**

A: No one knows exactly what will happen to people the UK Government sends to Rwanda. The UK and Rwandan Governments claim these people will be treated humanely, given a place to live, be granted permission to remain in Rwanda permanently, attend school (if appropriate based on age), and be allowed to work; and that people who fear persecution in their home countries will be able to apply for asylum. The Rwandan Government says new arrivals will stay in a ‘hostel’ for 3 months, where meals, healthcare, internet, sports facilities, worship rooms, and orientation will be provided. According to an April 2024 [article in the Guardian](#), there are surveillance cameras and armed guards at the arrival hostel, but the Rwandan Government says it is not a detention centre – people will be able to come and go if they wish. People are expected to move to other accommodation after the first 3 months and be provided support for 5 years.

Many experts have concerns about how people removed from the UK will be treated in Rwanda, especially if they criticise the Rwandan Government, if they are LGBTQI+, stateless, or face increased risks for other reasons. It is unclear whether survivors of torture, gender-based violence, or other trauma or who have mental health conditions will be provided with adequate treatment and support. Even if allowed to work, people may struggle to find jobs in Rwanda due to lack of opportunities, language, cultural, or other barriers. Children may face child-specific abuses, such as physical punishment in school and/or at home, with a lack of adequate protection.<sup>11</sup>

**Q: Will people be detained in the UK, and what can they do if they are?**

A: The Illegal Migration Act and other laws give the Government the power to detain people who are subject to removal. However, there is currently not enough space in immigration detention centres to detain everyone who is potentially subject to removal from the UK.

Reports indicate that the Government has started **detaining people in advance of potential removal to Rwanda from 29 April 2024**. This includes detaining asylum seekers at routine immigration or asylum appointments or reporting events, and in other locations. People who may be subject to removal to Rwanda may wish to seek legal advice before reporting to or attending any appointments with immigration services, keep with them (and/or memorise) contact details for a charity or lawyer who may be able to help them, such as Care4Calais, Bail for Immigration Detainees, or others (see contact details above and below), ask someone they know to go with them to a reporting centre and seek help if they do not come out within a normal timeframe, and/or take other precautions.

People who are detained should seek legal advice from a solicitor or legal adviser who works on detention matters if possible. [Bail for Immigration Detainees](#) (email [rwandaproject@biduk.org](mailto:rwandaproject@biduk.org))

may be able to assist; or Duncan Lewis Solicitors may be able to assist (requests can be made with [this form](#)) - please state clearly that the request relates to detention under Rwanda removal directions and provide details about the detained person and how to contact them. Detained people can seek help from other legal advisers who assist detainees if they wish – see the section above about legal advice.

Right to Remain has an [Immigration Reporting and Detention Toolkit](#), which includes information on what immigration detention is like in the UK and how to prepare for the possibility of detention.

People who are detained can also contact the [Association of Visitors to Immigration Detainees \(AVID\) \(aviddetention.org.uk\)](https://www.avid.org.uk), a network of groups who visit people who are detained for immigration reasons.

**Q : When will the Government start forcibly removing people to Rwanda?**

A: It is not yet clear when forced removals will start. The Government wants to start sending people to Rwanda as soon as possible and anticipates the first planes may be going by June or July 2024. But there will need to be some preparations and likely there will be legal challenges,<sup>12</sup> so it is not clear yet when removals will actually start. Some people have already gotten phone calls about potential removal to Rwanda, some have been detained, and more may receive notices or be detained very soon.

See also: [Right to Remain: What we know about the Rwanda Act and Treaty so far](#)

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*This was prepared by Cynthia Orchard, Consultant Policy Advisor at Kids in Need of Defense UK (hosted at Central England Law Centre), with contributions from colleagues at KIND UK, CELC and other organisations. Thanks to all who contributed.*

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[1] Safety of Rwanda (Asylum and Immigration) Act (legislation.gov.uk).

[2] See UK-Rwanda asylum law: UN leaders warn of harmful consequences | UNHCR

[3] See Supreme Court ruling on Rwanda policy and implications for the Illegal Migration Act – Kids In Need Of Defense UK.

[4] See Briefing: The Illegal Migration Act 2023: Leave to Remain and British Citizenship for Children – Kids In Need Of Defense UK.

[5] Inadmissibility: safe third country cases (Version 17.0, 28 June 2022), page 17. See also [Cost-chaos-and-human-misery-the-impact-of-the-IMA-2023-and-the-Rwanda-Plan-April-2024.pdf](https://www.refugeecouncil.org.uk/cost-chaos-and-human-misery-the-impact-of-the-IMA-2023-and-the-Rwanda-Plan-April-2024.pdf) (refugeecouncil.org.uk), p 4, which also says: “As well as Rwanda, it is possible that a small number of people will be removed to other countries, especially if someone already has refugee status in that country. However, those numbers will be very small. Since the existing inadmissibility process came into effect at 23:00 on 31 December 2020, of the 77,304 claims that have been identified as potentially inadmissible, only 84 have been declared inadmissible. Of those, only 25 people have actually been removed.”

[6] See eg Failed asylum seeker given £3,000 to go to Rwanda – BBC News.

[7] Failed asylum seeker given £3,000 to go to Rwanda – BBC News.

[8] See Q&A: The UK’s policy to send asylum seekers to Rwanda – Migration Observatory – The Migration Observatory (ox.ac.uk); Sunak and his cabinet think one packed Rwanda flight will save them. It won’t | Enver Solomon | The Guardian; [Cost-chaos-and-human-misery-the-impact-of-the-IMA-2023-and-the-Rwanda-Plan-April-2024.pdf](https://www.refugeecouncil.org.uk/cost-chaos-and-human-misery-the-impact-of-the-IMA-2023-and-the-Rwanda-Plan-April-2024.pdf) (refugeecouncil.org.uk); and 2,000 migrants set to be sent to Rwanda in first six months, Government believes (inews.co.uk).

[9] Lone children at risk of deportation to Rwanda after being classified as adults, says charity |



Immigration and asylum | The Guardian

[10] Briefing: The Illegal Migration Act 2023: Leave to Remain and British Citizenship for Children.

[11] See eg the UN Committee on the Rights of the Child's *Concluding observations on the combined fifth and sixth periodic reports of Rwanda*, pp 5-6, of 28 February 2020, condemning the extensive use of corporal punishment in schools and in the home.

[12] A union for civil servants has already initiated a legal challenge relating to the Rwanda Act, and there will no doubt be numerous challenges by people facing removal to Rwanda. [Rwanda: Civil servants mount court challenge over new law – BBC News](#).