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A Commentary on the UK Home Office *Country Policy and Information Note: Rwanda, asylum system*, and the related *Country Policy and Information Note: Rwanda, assessment*

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Purpose of this document

This commentary identifies what Asylos considers to be the main Country of Origin Information (COI) gaps and omissions in the Country Policy and Information Note: Rwanda, asylum system (henceforth referred to as the *asylum system CPIN*), and the key inconsistencies between the available COI on the Rwandan asylum system and the conclusions reached in the Country Policy and Information Note: Rwanda, assessment (henceforth referred to as the *Rwanda assessment*). The analysis therefore focuses primarily on the following two Country Policy and Information Notes:

- **Country Policy and Information Note: Rwanda, asylum system May 2022**
- **Country Policy and Information Note: Rwanda, assessment May 2022**

Where we believe omissions or inconsistencies have been identified, the relevant section of the Country Policy and Information Note is highlighted in bold. An index of the COI and other supporting sources referred to in this commentary, is also provided at the end of the document.

This commentary is intended as a guide for legal practitioners and decision makers in respect of observed inconsistencies, gaps and omissions in relation to the above-mentioned Country Policy and Information Notes (CPINs), as well as providing additional relevant COI on the issues identified. As a major source of information drawn upon in the asylum system CPIN, the following Country Policy and Information Note: Rwanda, interview notes (Annex A) (henceforth referred to as the *interview notes CPIN*) was referenced in the preparation of this commentary:

- **Country Policy and Information Note: Rwanda, interview notes (Annex A) May 2022**

The Country Policy and Information Note: Rwanda, general human rights (henceforth referred to as the *general human rights CPIN*), which was published at the same time as the above-mentioned CPINs, does not form the focus of this commentary, but was consulted where relevant:

- **Country Policy and Information Note: Rwanda, general human rights May 2022**

Disclaimer

This document should not be submitted in isolation as evidence to the UK Home Office, the Tribunal or other decision makers in asylum applications, appeals or related submissions. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to assist in their decision-making process. **The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research**.

Contents

Introduction

On 9 May 2022, the UK Home Office published a suite of Country Policy and Information Notes on Rwanda, following the announcement by the UK Prime Minister on 14 April 2022,[1] of a new policy that will see people who are deemed to have arrived illegally in the UK, including those fleeing persecution and war, relocated to Rwanda to have their asylum claims processed there. If granted international protection, refugees will be expected to start a new life in Rwanda.[2,3] According to the UK government, the policy aims to prevent "'vile people smugglers" turning the ocean into a "watery graveyard", with the plan designed to break their business model'.[4]

Meanwhile, the policy has attracted broad condemnation on grounds including legality, practicality and morality, by voices ranging from a former conservative Prime Minister,[5] the Head of the Church of England,[6] and the United Nations,[7] to Human Rights Watch,[8] numerous NGO and community organisations,[9] and, reportedly, the Prince of Wales.[10] If implemented, this policy, which allows for 'uncapped' numbers of asylum seekers in the UK to be transferred to Rwanda,[11] promises to have profound consequences for those seeking refuge on UK shores.

At the time of writing, the judicial review brought by Detention Action, Care4Calais, the PCS Union, with UNHCR intervening, has been postponed until September,[12] and another legal challenge led by Asylum Aid also continues.[13]

The CPINs on Rwanda published by the Home Office in May 2022, were produced in order to assist the UK government to assess whether Rwanda could be classified as a 'safe third country of asylum',[14,15] and whether a person relocated to Rwanda would face a real risk of being subjected to treatment contrary to Article 3 of the European Convention on Human Rights (ECHR).[16] The COI included in the CPINs was gathered using interviews and desk research, and covers issues ranging from the functioning of the Rwandan asylum system and conditions for asylum seekers and refugees, to the general human rights situation in Rwanda. In order to ensure timely publication, this commentary focuses principally on the *asylum system CPIN*.

1 UK Government, **PM speech on action to tackle illegal migration: 14 April 2022**, 14 April 2022
2 Ibid.
3 UK Home Office, **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**, see para 10.1, 14 April 2022
4 BBC, **One-way ticket to Rwanda for some UK asylum seekers**, 14 April 2022
5 Sky News, **Rwanda asylum scheme: Former PM Theresa May criticises plan to send asylum seekers to Rwanda**, 19 April 2022
6 The National, **Boris Johnson's Rwanda plan condemned by Archbishop of Canterbury**, 17 April 2022 and Huffington Post, '**An Immoral Policy That Shames Britain': Archbishops Savage Rwanda Asylum Policy**, 13 June 2022
7 UNHCR, **UN Refugee Agency opposes UK plan to export asylum**, 14 April 2022
8 Human Rights Watch, **UK's Rights Assessment of Rwanda Not Based on Facts**, 12 May 2022
9 Imix, **Open letter to the Prime Minister and Home Secretary about plans to send people seeking asylum to Rwanda**, 14 April 2022
10 BBC, **Rwanda asylum plan: Campaigners' challenge to be heard on Monday**, 12 June 2022
11 UK Government, **PM speech on action to tackle illegal migration: 14 April 2022**, 14 April 2022
12 Daily Mail, **Court wrangle over Rwanda flights will carry on for weeks as charities are handed extra time to fight against immigration policy**, 12 July 2022
13 Leigh Day, **Rwanda Scheme legal challenges to continue despite unsuccessful injunction**, 14 June 2022
14 UK Home Office, **Immigration Rules part 11: asylum**, paragraph 345B, updated 1 June 2022
15 UK Home Office, **Country Policy and Information Note: Rwanda, asylum system**, see p.6 May 2022
16 Council of Europe, **European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14**, 4 November 1950

While detailed comment on the *general human rights CPIN* is beyond the scope of this document, Asylos welcomes the Home Office's commitment to review its own assessment and the underlying evidence on which it is based in 2022,[17] and the forthcoming review of the full set of Rwanda COI products, commissioned by the Independent Advisory Group on Country Information, at the order of the Chief Inspector of Borders and Immigration.[18]

The following commentary first sets out overarching observations relating to a number of methodological concerns, with further sub-sections organised thematically. While the commentary should not be viewed as an exhaustive analysis of all themes covered in the *asylum system CPIN*, it presents analysis on a range of key issues that are likely to affect relocated asylum seekers with the greatest immediacy. This commentary aims to set out the main information gaps and omissions within selected themes, and highlight where contradictions exist between the COI, and the conclusions reached in the *Rwanda assessment*.

Where relevant, reference is made to the *interview notes CPIN* and the *general human rights CPIN*, which were published in conjunction with the *asylum system CPIN* and the *Rwanda assessment* and which form the basis for the Home Office's assessments. The Memorandum of Understanding between the UK and Rwanda governments (henceforth referred to as the MoU),[19] also provides a point of reference for the commentary analysis, as it sets out the terms of the agreement, and includes reference to a number of practical arrangements within the plan.

17 UK Home Office, **Country Policy and Information Note: Rwanda, asylum system**, p.2, May 2022

18 Independent Chief Inspector of Borders and Immigration, **The IAGCI invites tenders to evaluate Home Office Country Information Products on Rwanda**, 10 May 2022

19 UK Home Office, **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**, 14 April 2022

Summary of main methodological concerns

The following section outlines a number of overarching methodological issues in relation to the content of the *asylum system CPIN*. Rather than an exhaustive critique of the methodological approach adopted by the Home Office, it aims to present key concerns related specifically to the content.

Research parameters

It is common practice for CPINs produced by the Home Office to include a 'Terms of reference' section, which outlines the specific information that was sought in the preparation of a COI product. Including a 'Terms of reference' section helps readers to understand the parameters of the research, and which issues have been determined as within scope. However, it is noted that the *asylum system CPIN*, does not include a 'Terms of reference' section, and it is therefore challenging to ascertain which information the Home Office originally sought to find, and also difficult to assess whether the *asylum system CPIN* has fully addressed all the issues it aimed to cover, or where information gaps have been identified. In the absence of a 'Terms of reference', this commentary has identified information gaps (see *Information gaps* below), with reference to publicly available information regarding the Rwanda plan.

Information gaps

A number of sections in the *asylum system CPIN* present COI on current arrangements for asylum seekers and refugees in Rwanda, meanwhile information included in the MoU makes it clear that the intended arrangements for asylum seekers relocated from the UK will be different. In general, COI on current provisions for asylum seekers and refugees in Rwanda may provide useful comparative and background information.

However, where the current arrangements differ significantly from what is intended for asylum seekers relocated from the UK, significant information gaps remain, and efforts should have been made to include information on how guarantees in the MoU will be met, how they will be resourced and within what timescale.

For example, it seems that interpreters have not been routinely provided by the authorities in Rwanda (see section 4.9 of the *asylum system CPIN*), but despite the guarantee at 9.1.2 of the MoU that access to an interpreter will be provided for relocated individuals at all stages of the asylum claim,[20] no information has been included to address how interpreting services will be delivered to meet the new demand, in the languages and at the scale required (see *Access to the asylum procedure*). Similarly, section 9.1.2 of the MoU guarantees legal assistance at every stage of the asylum claim for relocated asylum seekers, while COI included in the asylum system CPIN (see section 4.8 *Legal representation*) indicates that legal aid, and legal support is not routinely available at every stage of an asylum claim (see section 4.8 of the *asylum system CPIN* and *Access to legal representation and appealing a decision*).

Another example of an omission of relevant information can be found at section 4.5.4 of the asylum system CPIN, where it is stated that '[d]ue to privacy concerns, timing, language barriers and the scope of experience of the MINEMA [Ministry of Emergency Management] official, the HO team were unable to obtain further detail from the source on the substance of the documents…'. However, given the centrality of such documents to the functioning of the Rwandan refugee status determination procedure, researchers should have been afforded the opportunity and resources to speak to an experienced member of staff, and view the detail of these documents, with appropriate anonymisation and in a language that they could understand.

20 UK Home Office, **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**, 9.1.2, 14 April 2022

Furthermore, while useful background COI is included in the asylum system CPIN covering refugee camps, the MoU stipulates that asylum seekers relocated from the UK will not be required to live in camps, and it would therefore have been beneficial to also include information regarding the accommodation that is actually intended to house relocated asylum seekers, and what the expected conditions are (see *Access to housing, risk of destitution and security*).

Selective consideration of COI in the Rwanda assessment and omissions of relevant COI

Analysis included in the thematic sections of this commentary shows that the conclusions in the Home Office's *Rwanda assessment* often do not fully reflect the COI included in its *asylum system CPIN*. While COI is rarely completely conclusive,[21] where contradictions arise, it is good practice to acknowledge these.[22] However, the *Rwanda assessment* appears to make conclusive assessments on various aspects of the situation in Rwanda, belying the more contradictory picture that the COI points to. If the *Rwanda assessment* has privileged certain sources of information above others in reaching its conclusions, this should be stated, along with the reasons why. Furthermore, analysis shows multiple omissions of important information that was found in the sources consulted or cited by the Home Office, but not selected for inclusion in the *asylum system CPIN*. Such omissions, risk minimising issues, and means that relevant information appears not to have been considered in reaching the conclusions set out in the *Rwanda assessment*.

For example, while the *Rwanda assessment* concludes that there is a functioning asylum procedure, which affords adequate access to asylum seekers, the COI included in the *asylum system CPIN* fails to fully support this conclusion. Furthermore, information in sources cited or consulted by the Home Office that was not selected for inclusion, points to the existence of significant concerns. These include indications that asylum seekers have struggled to access the asylum procedure, with some groups of people, such as those not originating from the region, and LGBTQI+ people, experiencing particular challenges. Information also points to the need for considerable capacity building of the Rwandan authorities with regard to the asylum procedure, and raises concerns that inadequacies in the current procedure may give rise to harsh living conditions, protection risks and the risk of deportation of asylum seekers back to their country of origin where they face risk of harm or persecution (see *Access to the asylum procedure*, and *LGBTQI+ asylum seekers*).

With regards to the issue of legal representation, the *Rwanda assessment* acknowledges that the Rwandan government does not provide legal aid for asylum seekers, except if an appeal goes to the High Court. It is suggested at 2.2.2 of the *Rwanda assessment* that organisations including the UNHCR and the Legal Aid Forum (LAF), would be able to provide legal aid at other stages of the claim for relocated asylum seekers. However, this assessment fails to reflect information found in the sources cited by the Home Office, but not selected for inclusion, that indicates that there is already a large gap between the needs of the current refugee and asylum seeker population, and the legal support available, and that the actual numbers of asylum seekers who received legal assistance through LAF over a recent five-year period is very low (see *Legal representation and appealing decisions*).

With regards to the issues of detention used within the asylum process and the risk of refoulement, the *Rwanda assessment* maintains there is no evidence of these occurring (see 2.13 & 2.14). However, the Home Office has failed to include information in the *asylum system CPIN* from multiple sources, including those that it consulted or cited, which suggests that asylum seekers have, in fact, been detained by the authorities, and that instances of refoulement have been documented in the recent past. Furthermore, under a bilateral deal between the Israeli and Rwandan governments to relocate asylum seekers from Israel to Rwanda, the majority of asylum seekers were not able to access asylum in Rwanda, and research has revealed that many were forced to travel onward from Rwanda, in what may amount to a situation of indirect refoulement (see *Detention of asylum seekers and Refoulement*).

21 ARC Foundation & Asylos, **Country of Origin Information (COI): Evidencing asylum claims in the UK**, p.6, 2020

22 Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), **Researching Country of Origin Information: Training Manual**, p.136, October 2013

The *Rwanda assessment* indicates that asylum seekers relocated from the UK will not be required to live in refugee camps, and also concludes that '[a]ll basic needs (housing, food, water, healthcare, education) of camp-based asylum seekers and refugees are met' (2.10.2). However, analysis of the *asylum system CPIN* show a number of concerning omissions from sources that the Home Office consulted or cited, with regard to conditions in refugee camps. In particular, the COI indicates the poor state of repair of shelters that risks serious harm to residents and inadequate sanitation in some camps, particularly affecting persons with disabilities.

Relevant COI on the protracted situation of food insecurity was also omitted from sources that the Home Office had either cited or consulted (see *Access to housing, risk of destitution and security*).

Distribution of COI between the *asylum system* and *general human rights CPINs*

A number of issues that have been incorporated within the *general human rights CPIN*, would have been more appropriately placed in the *asylum system CPIN*. For example, section 8.5 of the *general human rights CPIN* covers sexual and gender-based violence (SGBV) perpetrated against refugees and asylum seekers. Given that the focus of that section is specifically on refugees and asylum seekers, and much of the COI concerns SGBV that has occurred in refugee camp settings, it would have been more suitably placed within section 8.2 of the *asylum system CPIN*, which also addresses security in refugee camps (8.2.6), rather than in the *general human rights CPIN*. Also related to the theme of SGBV, COI regarding the allegation of sexual assault against a minor refugee at the Gashora Transit Centre is included in the *general human rights CPIN*, whereas it would have been more appropriately placed in section 8.4 of the *asylum system CPIN*, which includes COI on the situation in the Gashora Transit Centre, (see *Access to housing, risk of destitution and security*).

Another example of this, includes the lack of information included in the *asylum system CPIN* on the refugee protest in 2018 that was triggered by cuts to food rations, and led to the killing of refugees at the hands of the Rwandan authorities.[23] While this incident is covered in the *general human rights CPIN* (4.4.3), it would have been beneficial to also include COI on this incident within the *asylum system CPIN*, given how closely linked it is to food insecurity experienced by camp-based refugees. At the very minimum, the *asylum system CPIN* should have cross-referenced 4.4.3 of the *general human rights CPIN* within section 8.2 of the *asylum system CPIN* covering conditions in refugee camps.

Furthermore, other sections covering information specific to refugees and asylum seekers have been included in the *general human rights CPIN*, although it would have been more appropriate to place them in the *asylum system CPIN*. These sections include 6.3 '*NGOs involved with refugees and asylum seekers in Rwanda*' and 9.5 '*LGBTI asylum seekers and refugees*', which are currently found in the *general human rights CPIN*, but which cover important information relating to the situation of LGBTQI+ asylum seekers and refugees, and services available to refugees and asylum seekers in Rwanda. The placement of these sections in the *general human rights CPIN* risks the possibility that decision makers looking for specific information on asylum seekers and refugees may miss important information.

Presentation of the COI

All interview notes are presented in summary form in the *interview notes CPIN*, meaning they are not a verbatim record of what interlocutors said. While summary of information is a valid way to present COI, it can also create the risk that meaning will be distorted or lost. As noted in the *Common EU Guidelines for Processing Country of Origin Information*,[24] '[i]t is important to present the information exactly as it was given by the sources used'. The *EU common guidelines on (Joint) Fact Finding Missions* suggest that Verbatim Notes should be taken where tape recording is not possible, arguing that this 'will ensure accuracy of information and a high degree of transparency, [which] would sit well within the principles of COI.'[25]

23 For more information on this incident, see: HRW, **Rwanda: A Year On, No Justice for Refugee Killings**, 23 February 2019

24 European Union, **Common EU Guidelines for Processing Country of Origin Information**, see 4.1.2, April 2008

25 European Union, **EU common guidelines on (Joint) Fact Finding Missions: a practical tool to assist member states in organizing (joint) Fact Finding Missions**, p. 25, November 2010

Where summary or paraphrasing distorts or fails to convey meaning, a decision-maker may be prevented from understanding the full significance of what was said, and find it difficult to assess the appropriate weight to attach to it. Moreover, selective recording of interview notes risks that the notes may become a 'subjective recollection' of what the Interviewer found interesting or useful, as opposed to an accurate record of what a respondent actually said".[26]

In some parts of the *interview notes CPIN*, the voice of the transcriber appears to come to the fore within interlocutor responses, for example, where interlocutors are referred to in the third person within summaries of their responses to Home Office questions, raising concern over the extent to which their voices may have been mediated, and information lost, or distorted [emphasis added]:

> Excerpt from interview notes, (Annex A), May 2020
> A8. Meeting with UNHCR, 21 March 2022 [...]
> Removal
> **UNHCR believed** there was some risk of a person being detained or deported at point of rejection [...]
> Complaints process [...]
> **UNHCR felt** there is no way for a refugee to complain about process [...]
> Trafficking and SGBV
> **The issue that UNHCR felt they were struggling with was regarding girls.**

The same issue can be further seen in the Home Office's interview with representatives of the 'LGBT+ community'. Some of the interview notes are no more than a brief description of the discussion content, written from the transcriber's point of view, and even conveying the transcriber's own assessment of what is being said, or not said, rather than transcribing the interlocutor's information, as it was delivered [emphasis added]:

> Excerpt from interview notes, (Annex A), May 2020
> A11. Meeting w/ representatives of the LGBT+ community, 5 April 2022 [...]
> Treatment of LGBTI persons generally/Society
> **One individual felt** there was a big gap in the treatment of LGBT+ community in every field – e.g. health, justice [...]
> **One NGO raised example of 4 trans people** (members of NGO?) who were HIV negative before they went into prison, pushed into being 'wife' & sex without protection, come back HIV positive
> Treatment of LGBTI asylum seekers
> **In general, attendees didn't have much to raise here.** Gave one example - December 2021, Egyptian wanted to go to Netherlands but couldn't – came to Rwanda as he understood one of better countries in East Africa for this (contacted NGO through organisation in Egypt), went to UNHCR, got some help; NGO not sure of latest
> 2 refugees (1 Burundian and 1 Congolese) recently involved in positive initiative run by NGO – HC presented paralegal certificates to them? One NGO suggested LGBT asylum seekers may face problems in refugee camps
> Scope for organisation specifically focused on LGBT migrants – a refugee potentially looking at that. One example of someone from Uganda identifying as gay who faced lots of challenges claiming asylum, needed lots of lawyers. **Otherwise, no one could say much on LGBT asylum seekers having issues with asylum process.**

The style of interview notes varies throughout the *interview notes CPIN*, with some sections raising the concern that the notes do not reflect information as it was delivered, risking the loss of information. It is considered that verbatim interview notes throughout the *interview notes CPIN* would have provided the most consistent, transparent and accurate method of presenting the COI.

26 European Union, **EU common guidelines on (Joint) Fact Finding Missions: a practical tool to assist member states in organizing (joint) Fact Finding Missions**, p. 25, November 2010

Access to the asylum procedure

There are a number of inconsistencies between the *Rwanda assessment's* conclusions regarding the existence and adequacy of the Rwandan asylum process, and the COI presented in the *asylum system CPIN*. The *Rwanda assessment* states that [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2. Consideration of issues
> 2.1 Access to the asylum procedure
> 2.1.1 **A functioning asylum process is in operation in Rwanda and "the possibility exists to request refugee status" in accordance with paragraph 345B(iv) of the Immigration Rules. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any deficits in information about, or delays in, the asylum process. Similarly, this test is whether the person will have access to an adequate asylum procedure, not for a guarantee on the outcome of their application [...]**
> 2.1.3 Rwanda also has a track record of working constructively with domestic and international partners, including the UNHCR and non-government organisations (NGOs), to process and support the asylum seeker and refugee population [...]
> 2.1.4 Refugee status determination (RSD) in Rwanda is done in three ways:
> 1. The Emergency Transit Mechanism (ETM). An agreement signed with the UNHCR to transfer and resettle asylum seekers from Libya. Under Page 8 of 18 this scheme, asylum seekers are housed at a dedicated centre in Rwanda and have their refugee status determined by UNHCR. Refugees are then: a. resettled in a third country,
> b. assisted to return to their country of origin; or
> c. resettled in Rwanda (although to date, no-one has opted for option c).
> 2. Prima facie [sufficient evidence upon initial examination] recognition as refugees. People seeking refuge are presumptively found to be refugees under the Refugee Convention. This has typically been used in response to crisis situations in neighbouring countries (particularly the Democratic Republic of Congo and Burundi) where there have been large-scale movements of people. Refugee status is determined by UNHCR in Rwanda; and
> 3. **Individualised consideration of claims. Refugee status is determined by the Government of Rwanda.**
> 2.1.5 **This note focusses specifically on (3) as any person relocated from the UK would have his/her refugee status determined this way.**
> 2.1.6 Rwanda has a clear asylum process set out in law, with fixed timeframes. The Government of Rwanda acknowledges that it is not always possible to meet all these timeframes in practice, although it is unclear how often this occurs and what the exact process for monitoring case progression is. Other sources were also aware of some delays in processing claims [...]

The above assessment fails to fully reflect the COI set out in the *asylum system CPIN*, which highlights a number of factors that have inhibited the adequate functioning of, and access to, the asylum procedure in recent years, including

- the shift from *prima facie* to individual refugee status determination which has led to 'bottleneck[s]' (4.3.4);
- low capacity, with only one Eligibility Officer working on all cases (4.7.12);
- lack of knowledge, training and experience on international protection among officials determining individual asylum claims (4.7.14);
- previous lack of cooperation with the UNHCR in respect of capacity building and training (4.7.14), and
- a suggested bias toward granting refugee status to those from neighbouring countries, and rejecting those from 'the Middle Eastern and other countries' * (4.14.4).

* Information on asylum grant rates in Rwanda, by country of origin of asylum seekers, was sought using the **UNHCR's Refugee Data Finder**. However, data on asylum decisions made between 2017 and 2021 indicates that no decisions were made on cases where the asylum seeker was from the Middle East.

When asked about the number of claims decided in a typical meeting of the National Refugee Status Determination Committee, an official from the Directorate General of Immigration and Emigration was unable to provide information (4.7.9, *asylum system CPIN*), and the only figures that were provided related to the number of claims decided in 2019 (4.14.5, *asylum system CPIN*), which amounted to a low number in total.

While the *asylum system CPIN* indicates that the Rwandan government plans to increase capacity by grouping similar cases together (4.7.4), it is considered that there remains an information gap regarding how quickly it would be possible to increase this capacity and how this would work in reality if 'uncapped'[27] numbers of asylum seekers were to be relocated from the UK, given the current state of the asylum procedure [emphasis added]:

> Excerpt from the May 2022 *Rwanda, asylum system* CPIN
> 4. Asylum process [...]
> 4.3.4 At a meeting with HO officials on 21 March 2022, UNHCR explained: [...]
> 'As mentioned, **due to the shifting of the policy from Prima Facie to individual recognition, there are some bottle neck[s] at DGIE and NRSDC to comply with the timeframe**.'41 [...]
> 4.7.2 In its July 2020 submission to the UPR, the UNHCR commented: '**The NRSDC's capacity needs to be built, with currently only one eligibility officer assessing all of the cases. UNHCR, despite its observatory role, is often not invited to attend the RSD-reviewing panel discussions**.'55 [...]
> 4.7.4 During the meeting, Rwandan Government officials discussed the RSDC's capacity: [...]
> 'The readiness of RSDC to handle a potential increased number of applications would be achieved through increasing the number of RSDC sittings and to group similar cases together.'57 [...]
> 4.7.9 In a later meeting between HO and the Government of Rwanda on 22 March 2022, **a DGIE official was asked how many cases were considered in a typical RSDC meeting but the official was unable to provide the information at the time of asking**.62 [...]
> 4.7.13 At a meeting with HO officials on 21 March 2022, UNHCR commented: '**[UNHCR] not allowed to be in the room when they have the interview and when they give their decision. [UNHCR] have tried several times to be observers**.'66
> 4.7.14 At the same meeting, the UNHCR representative said that while there were many positive aspects of protection in Rwanda, there were some ways in which RSD processing could be done better:
> • '[UNHCR] try to provide more support to authorities – there are gaps to implementation of RSDC (mainly lack of capacity, **turnover of RSDC members extremely high, some may not have right background/training) but the Rwandan government don't always agree with the support offered, for instance more Eligibility Officers to expedite the process and avoid backlog**, or more consistent training for the panel members, or to assume our observatory role in the process.'
> • 'The high turnover rate of appointed members in the RSD Committee further hinders the capacity of the refugee status determination's committee because **inexperienced persons or with limited knowledge on international protection are onboarded in the committee. UNHCR cannot provide the support it thinks is needed. UNHCR has the expertise, the resource, the mandate, and the willingness to support the NRSDC anyway we can. The offers have been made frequently, and so far we only received invitation to conduct joint training for 3 days end of last year**.' [...]
> • '**UNHCR has offered training opportunities including on international refugee law (from San Remo institute) to government lawyers and are always turned down**. But in December 2021, its offer was accepted to have joint training for NRSDC.'67 [...]
> 4.14.4 While Burundian and DRC refugees have largely been granted on a prima facie basis, other nationalities have been assessed individually. According to UNHCR, which met with the HO on 21 March 2022, DRC and Burundian refugees are no longer granted on a prima facie basis:
> [...] **There is a tendency to grant asylum to those from neighbouring countries; rejection rates are higher for people from Middle Eastern and other countries**. There is a view they should go to neighbouring safe countries – they don't see there is a protection need. [...]

27 UK Government, PM speech on action to tackle illegal migration: 14 April 2022, 14 April 2022

> 4.14.5 During the meeting between the Rwandan Government and HO officials on 18 January 2022, Rwandan Government officials provided the following breakdown of individual asylum cases considered (figures from 2019):
> • 'Refugee status granted: 44 cases comprised of 62 individuals
> • 'Refugee status rejected – 64 cases comprised of 124 individuals
> • 'Pending: 2 cases comprised of 3 individuals
> • 'Missing: 2
> • 'Number of appeals: 24
> • 'Number of appeals change of decisions: 2
> • 'Number to High court: 0 [...]

41 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022
55 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 18 January 2022
57 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 18 January 2022
62 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 22 March 2022
66 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022
67 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022

Provision of interpreters is often a crucial element of facilitating access to the asylum procedure for asylum seekers, both in terms of ensuring they are adequately informed about the process in a language they understand, and that they have the opportunity to provide their account to the relevant authorities. The *Rwanda assessment* states the following with regard to interpreters [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2.1 Access to the asylum procedure [...]
> 2.1.8 **No interpreter is required for languages which are spoken by members of the RSD Committee (generally: English, Kinyarwanda, Swahili, and French). For other languages, claimants are free to arrange interpreters** [...]

This assessment reflects COI set out in the *asylum system CPIN* on the use of interpreters within the Rwandan asylum procedure, which indicates that interpreters are not routinely offered by the Rwandan authorities during the course of an asylum claim. However, given the guarantee outlined in the MoU that 'each Relocated Individual will have access to an interpreter... at every stage of their asylum claim',[28] it is considered that there remains an information gap in the *asylum system CPIN* with regards to how this will be delivered in practice and at the required scale. Further information on interpreting arrangements for asylum seekers relocated to Rwanda has appeared in media outlets subsequent to the publication of the *asylum system CPIN*. These reports suggest that the Home Office may be intending to provide remote interpreting services via the company The Big Word,[29,30] and also that there are no Kurdish Sorani interpreters in Rwanda.[31] If the Home Office is now in a position to provide more detail on how interpreting services will be guaranteed for all relocated asylum seekers, at all stages of their claim, the *asylum system CPIN* should be updated accordingly with this information.

It is furthermore concerning that the *Rwanda assessment* implies that relocated asylum seekers may be responsible for arranging their own interpreters, meanwhile no information has been provided within the *asylum system CPIN* regarding how this would be possible for relocated asylum seekers to achieve either practically or financially. Furthermore, there is no reflection or consideration within the *Rwanda assessment* of the fact that the Rwandan authorities may accept a relative of the asylum seeker to play the role of interpreter (4.9.5, *asylum system CPIN*). Such practice would fall below the interpreting standards expected within the UK asylum procedure,[32] for reasons including the need to avoid conflicts of interest and the fact that asylum seekers may not feel able to speak freely about their reasons for seeking protection in the presence of a member of their family, or someone they know [emphasis added]:

28 UK Home Office, **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**, 9.1.2, 14 April 2022
29 The Independent, **Four asylum seekers have Rwanda deportation flight appeals rejected**, 14 June 2022
30 The Big Word website can be found here: **https://en-gb.thebigword.com/**
31 eng.tusresiduos.com, **Rwanda Migrants: Live: Four Asylum Seekers Lose Appeal As Number 10 Defends Flight**, 14 June 2022
32 UK Home Office, **Asylum Policy Instruction, Asylum Interviews**, V.8, p.63, last updated June 2021

Excerpt from the May 2022 *Rwanda, asylum system* CPIN
4.9 Use of interpreters/translators
4.9.1 Based upon information gathered during a meeting with Rwandan Government officials on 18 January 2022, claimants have access to interpreters. The Director of Response and Recovery Unit at MINEMA explained: '**Most of the time we collaborate with UNHCR. If someone on the committee doesn't speak Arabic etc then we will get an interpreter but most of our asylum seekers are from countries surrounding ours, so we usually speak one of the languages**.'78 [...]
4.9.4 Conversely, in a later meeting between HO and the Government of Rwanda on 22 March 2022, a DGIE official was asked about access to interpreters and explained 'Claimants are able to arrange their own interpreters to attend the meetings with DGIE, the EO [Eligibility Officer], and the RSDC if required. **Interpreters are not provided. However, most claimants speak either English, Kinyarwanda or Swahili or French, therefore there is no need for them to arrange an interpreter. If the claimant speaks another language (Arabic given as an example) they are free to arrange their own interpreters**.'81
4.9.5 In a meeting between HO and the Government of Rwanda on 22 March 2022, an official from DGIE explained: 'DGIE don't need a lot of interpreters, so they are normally provided by UNHCR... **If a relative can interpret for the person they are invited to come to the Committee, for example Swahili interpreters**. It's more difficult for example if Arabic is needed.'82

78 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 18 January 2022
81 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 22 March 2022
82 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 22 March 2022

In addition to the information gaps highlighted, it is considered that relevant information, from sources consulted or cited by the Home Office, regarding the current functioning and capacity of the asylum procedure was omitted from the *asylum system CPIN*. The following excerpts include information that was found in sources consulted by the Home Office, but which was not selected for inclusion in the *asylum system CPIN*.

The information highlights challenges in access to the asylum procedure that have given rise to protection risks, and the risk of detention and deportation [emphasis added]:

» UNHCR, UNHCR, Rwanda - Refugees and asylum-seekers (urban) | Global Focus (unhcr.org), 2021

[...] **Regarding access to asylum**, advocacy to and **capacity building of the national RSD committee and other entities such as Directorate General of Immigration and Emigration is critical. Advocacy will be needed to ensure proper reception, screening, and identification of PoC (including non-African asylum seekers) and to ensure asylum space in [sic] maintained**. Outreach, feedback, and complaint mechanisms will also be reinforced to facilitate direct contact with people of concern and reinforce accountability.

» UNHCR, Refugee Response Plan Jan – Dec 2021, 19 April 2021

Needs analysis overview
[...] In 2020, given the outbreak of the COVID-19 pandemic, coupled with the limited capacity of the national RSD committee, many asylum seekers were still awaiting their decisions [...]
Needs analysis by sector
Favorable Protection Environment
[...] **access to the asylum continues to remain challenging for individuals other than prima facie recognitions**. In 2021, efforts must continue to build MINEMA and the RSD Committee's capacity via continued cooperation and advocacy. COVID-19 pandemic resulted in border closures since March 2020 stopped the arrival of any potential asylum seeker to the country [...]
Fair Protection Processes and Documentation
[...] **The national asylum process for new asylum seekers remains cumbersome. In contrast, the provision of documentation for asylum seekers is delayed/denied causing protection risks to this vulnerable population who cannot access basic services**.

» UNHCR, Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 37th Session RWANDA, July 2020

Issue 2: Access to the national asylum system [...] Article 8 of the Law relating to Refugees states that the "local authority to whom the asylum seeker reports shall take him/her to the nearest immigration and emigration office within twelve (12) hours". The Immigration Authority (DGIE) shall register the asylum seeker, grant temporary residence permit valid for 3 months and then submit the case to the Secretariat of the NRSDC within 15 days. In case the DGIE fails to submit the asylum application within the specified period, the NRSDC can take a decision upon request by the Minister (Article 8(2) of the PM Order). **To date and despite the provisions in the PM Order, the NRSDC has never taken up a case that had not been referred by the immigration service and this despite intense and repeated advocacy by UNHCR at the level of the Minister of MINEMA [...] UNHCR is concerned that such practices are subjecting asylum seekers to harsh living conditions as well as placing them at risk of detention and deportation**.

» Haaretz, Asylum Seekers Deported From Israel to Rwanda Warn Those Remaining: 'Don't Come Here', 2 February 2018

[...] His story reflects the situation of the few asylum seekers who left Israel for Rwanda and have remained there. The UNHCR office in Kigali knows about only nine [of] them. All the rest have left; most have been smuggled into Uganda. Six of those who remain in Rwanda agreed to share their stories with Haaretz. The interviews with four of them were conducted in English and the other two in Arabic, with the help of an interpreter. All six live a meager existence in Kigali, struggling to survive. Some have lost all hope. The luckier ones have a roof over their heads and money for food. Others depend on the generosity and kindness of friends and local people and the limited help from the UN.

The authorities in Rwanda do not recognize their right to be there and refuse to grant them residency permits. Lacking official documents, they have frequently been arrested and jailed. They are not fluent in the local language, the culture is foreign to them and finding work is nearly impossible. Though they arrived in Rwanda at different times, they all tell a similar story that raises concern for the fate of those who will be deported from Israel in the near future. All the people interviewed regret their decision to leave for Rwanda and urge the asylum seekers in Israel not to follow their example [...]

» UN Committee Against Torture (UNCAT), 'Concluding observations on the second periodic report of Rwanda [CAT/C/RWA/CO/2]', 21 December 2017

[...] While welcoming the new legal framework aimed at strengthening protection against refoulement, **the Committee is concerned at the reported delays in registering asylum seekers, placing them at risk of being deported. It also expresses concern at the difficulties in accessing the asylum procedure faced by Turkish residents as well as Eritreans and South Sudanese relocated from Israel, some of whom have reportedly been forcibly expelled to neighbouring countries** [...]

Further information, from sources not consulted or cited by the Home Office, but available before the research cut-off dates outlined in the asylum system CPIN,[33] also raise questions regarding the readiness of the Rwandan authorities to process asylum seekers relocated from the UK. For example, the below 'Population of Concern Map' produced by the UNHCR indicates that as of December 2021, there were only 393 asylum seekers in Rwanda. It is uncertain how the current asylum system would accommodate a potentially sharp increase in asylum seekers:

» UNHCR, Rwanda: Population of Concern Map, December 2021

The 'Rwanda: Population of Concern Map' shows that as of 31 December 2021, there were 121,903 refugees, 393 asylum seekers and 4,816 'others of concern' in Rwanda.

33 The UK Home Office states with regard to research cut-off dates: 'All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.' See: UK Home Office, **Country Policy and Information Note: Rwanda, asylum system**, p.3, May 2022

Other sources that were not consulted by the Home Office or cited in the *asylum system CPIN* refer to significant challenges in accessing the asylum procedure that were faced by asylum seekers relocated from Israel to Rwanda, under a previous bilateral agreement between the two governments [emphasis added]:

> **» Foreign Policy, Inside Israel's Secret Program to Get Rid of African Refugees, 27 June 2017**
>
> The man picked Afie Semene and the 11 other Eritreans on the flight from Tel Aviv out of the stream of disembarking passengers as if he already had their faces memorized. He welcomed them to the Rwandan capital, Kigali, and introduced himself as John. **He was a Rwandan immigration officer, he explained, there to help smooth their arrival. He collected the travel documents each of them had been issued in Israel and led them past the immigration counter where the rest of the passengers from their flight queued**. Nobody stopped them. Nothing was stamped. [...]
> [...] the next day brought new despair: **There would be no visas. No work permits. No asylum. None of the things Israeli authorities had promised the 12 Eritreans when they had agreed to relocate to Rwanda a few weeks prior**. Instead, John offered to smuggle them into neighboring Uganda, which he told them was a 'free nation.' 'If you live here, you can't leave,' Semene recalled John saying of Rwanda. 'It's a tight country. Let me advise you, as your brother, you need to go to Uganda.'
>
> **» HRW, "Make their lives miserable" Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel, 9 September 2014**
>
> In late May 2014, **Human Rights Watch met with nine Eritreans and a Sudanese national in the Rwandan capital, Kigali, who said they had flown from Israel to Kigali earlier in the month and that on arrival they were simply allowed into the country but given no permit to stay. As of early August, they had not been given any secure immigration status**.

LGBTQI+ asylum seekers

It is considered that the conclusions regarding adequacy of access to the asylum procedure in the *Rwanda assessment* are undermined by reference to COI cited in the same document that indicates that LGBTQI+ people have faced significant barriers in accessing the asylum procedure in Rwanda [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2. Consideration of issues
> 2.1 Access to the asylum procedure
> 2.1.1 **A functioning asylum process is in operation in Rwanda** and "the possibility exists to request refugee status" in accordance with paragraph 345B(iv) of the Immigration Rules. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any deficits in information about, or delays in, the asylum process. Similarly, **this test is whether the person will have access to an adequate asylum procedure**, not for a guarantee on the outcome of their application [...]
>
> 2.1.10 **Several sources suggested that LGBTQ+ asylum seekers have faced challenges in registering their claims. However, it has not been possible to verify and the scale, extent and frequency of this remains unclear** [...] Similarly, in section 9 of 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 ('the MoU'), the government of Rwanda has committed to ensuring that 'at all times it will treat each Relocated Individual, and process their claim for asylum, in accordance with the Refugee Convention, Rwandan immigration laws and international and Rwandan standards, including under international and Rwandan human rights law' [...]

The statement that 'LGBTQ+ asylum seekers have faced challenges in registering their claims' included at 2.1.10 of the *Rwanda assessment*, is based on the following COI included in the *asylum system CPIN*:

> Excerpt from the May 2022 *Rwanda, asylum system* CPIN
> 4.4 Initial contact
> 4.4.2 In its submission to the UPR, **UNHCR raised concerns that some asylum seekers, particularly lesbian, gay, bisexual, trans and intersex [LGBTI] persons, faced challenges when attempting to submit asylum claims, with requests being verbally rejected**43 [...]
>
> 43 UNHCR, 'Submission to OCHCR" (page 5), July 2020

As noted in the *Rwanda assessment* (2.1.10), information regarding the scale and prevalence of the issue is difficult to find. However, any indication that people may have faced negative and differential treatment in the Rwandan asylum system on the basis of their sexual orientation, or gender identity or expression must be treated with the utmost seriousness, as an asylum system that discriminates on these bases, would clearly fall below the standard of a functioning asylum system.

Moreover, information derived from the UNHCR, which also has concrete first-hand experience of supporting LGBTQI+ asylum seekers in Rwanda, must be given appropriate weight. Assessing such issues should not focus on 'prevalence' and 'scale' to the detriment of recognising that violations of the type reported by UNHCR would have serious implications for, and cause potential harm to, those concerned. A lack of, or limited, COI on a particular issue should not be interpreted to mean that an issue does not exist. As the EASO (now known as EUAA) Country of Origin (COI) Research Methodology, cautions, 'If no information is found (e.g. as to the question of whether a certain event took place) this does not necessarily mean that an event/person/issue did not /or does not occur or exist.'[34]

34 European Asylum Support Office (now European Union Agency for Asylum), **EASO Country of Origin Information Report Methodology**, June 2019, p.16; see also: European Union, **Common EU Guidelines for Processing Country of Origin Information**, p.17, April 2008

As noted in a COI research guide produced by ARC Foundation and Asylos, this is because 'plenty of things happen but do not make it into the world of information that is accessible to you'.[35]

Finally, it is widely recognised that it may be especially difficult to find publicly available information regarding violations against LGBTQI+ people, including for the following reasons as noted by UNHCR:

> 'Relevant and specific country of origin information on the situation and treatment of LGBTI individuals is often lacking... The extent to which international organizations and other groups are able to monitor and document abuses against LGBTI individuals remain limited in many countries... Stigma attached to issues surrounding sexual orientation and/or gender identity also contributes to incidents going unreported.'[36]

Given the lack of available COI on the situation of LGBTQI+ asylum seekers in Rwanda, it is considered that the CPIN would have benefitted from full inclusion of the following interview notes rather than providing a brief summary in the *asylum system CPIN* [emphasis added]:

> **» UK Home Office, Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022**
>
> [...] **LGBTI+ applicants**
> **UNHCR has noticed that LGBT asylum seekers have not been able to register their claims. They have to report to the local authorities and are told by the most junior immigration staff that Rwanda is not the place for them, or Rwanda does not deal with such issues. They are given immediate verbal rejection**. There are no laws against [LGBT+]. Rwanda has a conservative culture and nationals also face discrimination: denial to employment and accommodation. Local leaders [are responsible] for facilitating access to services. If the local leader is very conservative [then for an] LGBT person, it would not go well. UNHCR has not heard of any violence against the LGBTI community. Rwanda is mostly tolerant – have had some LGBT+ [from Uganda] and [UNHCR] provide counselling, financial assistance. Most of the time they [LGBT+] stay in urban areas. There is a network [of LGBT+]. LGBT+ have some difficulties accessing employment and renting accommodation in urban areas – cases of being denied accommodation. There was a recent TV debate addressing issue of social stigma. UNHCR referred to a report launched on Friday [18 March 2022]. NGOs working on it found that 80% of Rwandan nationals think being gay is unnatural. **UNHCR explained they were currently supporting 3 individual cases by LGBT+ asylum seekers. They had been pending for 2 to 5 months. [Caveated that UNHCR does not see all cases.]** UNHCR is not always informed by DGIE if there is any asylum seeker approaching DGIE for asylum, we can only track asylum seekers who approach our office or legal aid partners.

The *asylum system CPIN* would also have benefitted from full inclusion of the following excerpt, which is from interview notes covering a discussion with representatives of the 'LGBT+ community' regarding the treatment of LGBTQI+ asylum seekers [emphasis added]:

> **» UK Home Office, Notes of interviews, Annex A11, w/representatives of the LGBT+ community, 5 April 2022**
>
> In general, attendees didn't have much to raise here. Gave one example - December 2021, Egyptian wanted to go to Netherlands but couldn't – came to Rwanda as he understood one of better countries in East Africa for this (contacted NGO through organisation in Egypt), went to UNHCR, got some help; NGO not sure of latest
> 2 refugees (1 Burundian and 1 Congolese) recently involved in positive initiative run by NGO – HC presented paralegal certificates to them?
> **One NGO suggested LGBT asylum seekers may face problems in refugee camps**
> Scope for organisation specifically focused on LGBT migrants – a refugee potentially looking at that. **One example of someone from Uganda identifying as gay who faced lots of challenges claiming asylum, needed lots of lawyers**. Otherwise, no one could say much on LGBT asylum seekers having issues with asylum process.

35 ARC Foundation & Asylos, **Country of Origin Information (COI): Evidencing asylum claims in the UK**, 2020

36 UNHCR, **Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees**, 23 October 2012

While 4.4.2 of the *asylum system CPIN*, refers to the UNHCR's report of verbal rejection of LGBTQI+ asylum seekers claims, the Home Office omitted to include further information found within the same source on the possible consequences of such treatment, including harsh living conditions, and the risk of detention or deportation [emphasis added]:

> **» UNHCR, Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 37th Session RWANDA, July 2020**
>
> [...] Some asylum seekers, i.e. LGBTI asylum seekers, continue to face challenges upon submission of their asylum requests to the immigration service, who verbally rejects their applications. **UNHCR is concerned that such practices are subjecting asylum seekers to harsh living conditions as well as placing them at risk of detention and deportation** [...]

The following source was cited by the Home Office in its *general human rights CPIN*, however, the below excerpt also has relevance in the context of the Rwandan asylum system. The information indicates that there are existing prejudices among Rwandan lawyers with regard to LGBTQI+ persons. While those prejudices may not be specific to LGBTQI+ asylum seekers, any situation in which the Rwandan legal community is, in general, prejudiced towards LGBTQI+ individuals, has the potential to negatively impact LGBTQI+ asylum seekers who are seeking legal counsel in support of an asylum claim in Rwanda [emphasis added]:

> **» CEDOCA, COI Focus Rwanda, L'homosexualité, 30 October 2019**
>
> According to Jean-Claude Uwihoreye, executive director of My Right Alliance [...]
> '[...] even if the lawyers are aware that lgbti community is not criminalized they are homophobic because of their societal origin influence and many of them ignore to treat and defend lgbti cases in courts. Judicial authorities actions against lgbti are not frequent but cases of rejecting their cases occur. LGBTI can't at all request protection from the police or from the courts'

In addition to potential challenges for LGBTQI+ asylum seekers in accessing legal counsel in Rwanda, 2.11.4 of the *Rwanda assessment* states that there is a '[l]ack of reporting of crimes against LGBTIQ+ persons due to stigma and fear of harassment', and suggests that as a result, there is limited information on how the police respond to, and protect such persons. This raises a further concern that LGBTQI+ asylum seekers, who are in a particularly vulnerable position, may be subject to violations, but unable to report these acts of discrimination or violence or access protection from the police.

Access to legal representation and appealing a decision

Section 2.3 of the *Rwanda assessment* concludes that the 'right to practical and effective remedy exists'. However, this conclusion is significantly undermined by other factors also highlighted in the *Rwanda assessment*, which would fall well short of the best practice standards in appeals processes, as outlined in the UNHCR's *A guide to international refugee protection and building state asylum systems*.[37]

Serious procedural shortcomings highlighted in the *Rwanda assessment* include, among others, the fact individuals 'may be unaware of their right to appeal' (2.3.4) and that appeals in the first instance are made to a Minister who is also involved in adjudicating the initial decision (2.3.7). Further doubt is cast over the functionality of the appeals process in light of the fact that sources consulted, including the Rwandan authorities, were unable to provide information on how frequently the appeal routes have been used (2.3.3, *Rwanda assessment*) [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2.3 Ability to challenge/appeal a negative decision
> 2.3.1 **The right to practical and effective remedy exists**. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of any perceived shortcomings in the appeals process. 2.3.2 Where a person is refused asylum, the process includes a two-tier right to challenge that. The first is to the government minister, who can convene a committee to review the initial decision. The second is an appeal to the High Court [...]
> 2.3.3 **It is unclear how often, if at all, either one or both appeal routes has been exercised, with sources consulted not knowing or being unable to provide figures** [...]
> 2.3.4 This could be because the appeal to the High Court was only recently introduced (in 2018), or because there is a relatively low number of individually considered claims and a high recognition rate. **Some of those who were refused may have chosen not to appeal (for example, to pursue a different status) or may have been unaware of their right to appeal**.
> 2.3.5 **The sources consulted and open-source material reviewed indicated that while claimants receive written notification of the outcome of the decision, they are not given a detailed explanation of the reason(s) for refusal** [...]
> 2.3.7 **The UNHCR observed that an appeal to a minister of the department which is represented on the RSD committee that decides asylum claims does not appear to be a fully independent process**. However, there also exists the second-tier appeal right to the High Court and it is evident from available outcome statistics that first instance refusals are overturned (see section *Decision outcomes and recognition rates in the note on the asylum system*).

COI set out in the *asylum system CPIN* includes further details on the inadequacies of the appeals process, including the lack of information provided by the Rwandan authorities regarding the grounds of a rejection (4.10.5), which according to the UNHCR renders 'the right to appeal against a negative decision [...] difficult or impossible to exercise in practice' (4.10.6), the reported failure of the RSDC to inform failed asylum seekers of the possibility of appealing the decision (4.11.8) and questions over the independence of the appeals process (4.11.10) [emphasis added]:

37 UNHCR, **A guide to international refugee protection and building state asylum systems**, 2017

Excerpt from the May 2022 *Rwanda, asylum system CPIN*

4.10 Notification of decisions [...]

4.10.4 On refused cases, the official added: '**No details relating to each and every piece of information given by the applicant are given [in the reasons for refusal]. No, it's not a very detailed explanation**.'87

4.10.5 According to the UNHCR: '[the] **Basis of the RSD decisions, particularly rejection, are not known or properly explained including to the asylum seekers**.'88

4.10.6 At a meeting with HO officials on 21 March 2022, UNHCR explained: 'The decision is usually in a written letter. There are two templates: "your claim has been accepted and granted" OR ""we regret to inform you that the refugee status requested was not granted because the reasons provided during the interview were not pertinent". **No further reasons for the decision are provided, which renders the right to appeal against a negative decision difficult or impossible to exercise in practice**.' 89 [...]

4.11.1 The applicant has a right to appeal within 30 days from notification of the decision. Appeal cases (first review) are decided by the Minister of MINEMA within one month, during which time the applicant has the right to remain in Rwanda 91.

4.11.2 In December 2017, the UN Committee Against Torture (UNCAT) noted that it regretted '... **the State party's failure to provide information on the time frames observed in the adjudication of asylum claims and on the use of judicial remedies to challenge deportations**.'92

4.11.8 In a meeting between the HO and LAF on 21 March 2022, a LAF representative explained: '**If an asylum seeker's claim is rejected, the main [appeal] option is the courts. They can go to the Courts - by themselves, or with the assistance of LAF. The RSDC doesn't tell them about it so [asylum seekers] might not know**. [...]

4.11.10 UNHCR commented on the appeals (ministerial review) process in 2020: '... **the practice of appeal decisions being taken by the Minister of MINEMA poses questions as to the independency of the appeal process** and could further result in bottlenecks once a larger number of applications needs to be processed.'99

87 Notes of interviews, Annex A1, Meeting between HO and Government of Rwanda, 22 March 2022
88 UNHCR, 'Submission to OCHCR' (page 4), July 2020
89 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022
91 91 Government of Rwanda, 'Official Gazette number 26 of 30/06/2014' (page 83), 30 June 2014
92 UNCAT, 'Concluding observations on the second periodic report of Rwanda...', 21 December 2017
99 UNHCR, 'Submission to OCHCR' (page 4), July 2020

Adequate access to legal assistance is an important aspect of ensuring that asylum seekers have the opportunity to exercise their rights. Section 2.2 of the *Rwanda assessment* points out that legal representation is available free of charge only if an individual is appealing a decision at the High Court. The *Rwanda assessment* further notes that the Legal Aid Forum has 15 specialised immigration lawyers. However, in light of the MoU provision that 'each Relocated Individual will have access [...] to procedural or legal assistance, at every stage of their asylum claim, including if they wish to appeal a decision made on their case',[38] and that the UK government believes it will be possible to 'resettle tens of thousands of people in the years ahead',[39] there remains a significant information gap within the *asylum system CPIN* regarding how adaptations will be made to uphold the MoU provision, whilst meeting increasing demand [emphasis added]:

Excerpt from the Review of asylum processing, Rwanda: assessment, published in May 2022

2.2 Access to legal representation

2.2.1 **Legal support is available free of charge once an individual's asylum appeal goes to the High Court in Rwanda and given by people competent to provide it**. Therefore, there are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of not having a lawyer available for some or all of the Refugee Status Determination (RSD) process.

2.2.2 **The government does not provide legal assistance to asylum seekers during the first instance RSD process. However, UNHCR and the NGO the Legal Aid Forum (LAF) provide support at this stage of the process if required**. People can be referred to LAF via UNHCR, and others self-refer, using information on the LAF website or through word-of-mouth. **LAF and UNHCR provide**

38 UK Home Office, **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**, 9.1.2, 14 April 2022

39 UK Government, **PM speech on action to tackle illegal migration: 14 April 2022**, 14 April 2022

> **advice on the asylum process**; help with making the claim, including provision of a lawyer; and help with appeals. LAF have 15 specialised immigration lawyers available [...]

It is considered that the *asylum system CPIN* fails to provide information on how a system of legal assistance will be put in place for relocated asylum seekers in line with the terms of the MoU, particularly given the numbers of relocated asylum seekers that could soon arrive. Further information found in the sources cited by the Home Office, but not selected for inclusion in the *asylum system CPIN*, include the following excerpts from interviews between the Home Office, the Legal Aid Forum and the UNHCR, which cast further doubt on the practicality of access to legal representation or support for asylum seekers who may be relocated from the UK to Rwanda [emphasis added]:

» UK Home Office, Notes of interviews, Annex A7, Meeting between HO and LAF, 21 March 2022

> [...] Legal aid is a finite resource. **The Law says only children have access to Legal Aid**. LAF are pushing for a legal aid bill.

Notes from the Home Office interview with UNHCR, which discuss the issue of SGBV, indicate there is already a gap between the need for legal assistance among current refugees in Rwanda, and what is available in practice [emphasis added]:

» UK Home Office, Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022

> [...] UNHCR said **there is always a gap between what the refugees want, what they need and what [UNHCR] can provide, but particularly a gap in legal assistance – not enough lawyers, in some locations, only one lawyer deals for all cases in one location including for SGBV**. [UNHCR] will prioritize to assist the survivor in this situation.

A source cited in the *general human rights CPIN*, but not the *asylum system CPIN*, also includes relevant information on the availability of legal aid. The need for legal counsel in relation to asylum claims is likely to significantly increase following the relocation of asylum seekers from the UK to Rwanda, yet in the Rwandan government's submission to the UN Committee on the Elimination of Discrimination against Women in October 2021 it is clear that only a small number of asylum seekers were assisted by LAF between 2015 and 2020, and it is not clear whether this was in relation to their asylum claim. This information suggests at best, that existing capacity to provide legal counsel to asylum seekers is low [emphasis added]:

» Government of Rwanda, State report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, Tenth periodic report submitted by Rwanda under article 18 of the Convention, due in 2021 [18 May 2021] [CEDAW/C/RWA/10], 4 October 2021

> [...] Concerning access to justice, refugees including women have the right to seek remedies from courts when their rights are at stake. They also have access to free legal services through different actors. For the period under consideration, **between 2015 and 2020 a total of 77 asylum seekers gets free legal aid**. 20 Among them 68 were male and 9 were female [...]

Further information available before the research cut-off dates outlined in the *asylum system CPIN*, but which was not consulted by the Home Office, indicates the UN's concern regarding lack of free legal aid for asylum seekers in Rwanda:

» UN Human Rights Committee, Concluding observations on the fourth periodic report of Rwanda, 2 May 2016

> [...] Asylum seekers and immigration detention
> 29. **The Committee...notes with concern that**, under the 2014 Refugee Law, an appeal against a rejected refugee claim is not brought before an independent authority and **asylum seekers are not granted free legal aid** [...]

Detention of asylum seekers

The *Rwanda assessment* fails to fully reflect the COI included in the *asylum system CPIN* regarding the issue of detention, making the following assessment [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2.14 Risk of detention
> 2.14.1 **There is no evidence of detention being used in the asylum process, even for individuals whose claims are refused, and therefore there are not substantial grounds for believing that a person, if relocated, would face a real risk of being detained** and subjected to treatment that is likely to be contrary to Article 3 ECHR.
> 2.14.2 A person may be detained in accordance with the law. **However, there is no evidence that asylum seekers whose claims are refused are routinely or exceptionally detained. There were no examples in the sources consulted or open-source material reviewed of asylum seekers or refugees being specifically targeted and detained because of their immigration status** [...] Instead, they are provided with the opportunity to apply for an alternative immigration status to allow them to remain in Rwanda [...]
> 2.14.3 In section 8.2 of the MoU, the government of Rwanda has committed to ensuring that 'A Relocated Individual will be free to come and go, to and from accommodation that has been provided, at all times, in accordance with Rwandan laws and regulations as applicable to all residing in Rwanda.' [...]

However, this assessment fails to reflect 6.2.3 of the *asylum system CPIN* that clearly indicates that if an individual has no lawful basis for stay – which is a category that a failed asylum seeker may fall into – then they may be lawfully detained. Moreover, the COI indicates that the UNHCR was aware of a recent case of an asylum seeker being detained [emphasis added]:

> Excerpt from the May 2022 *Rwanda, asylum system* CPIN
> 6.2 Immigration detention, deportation, and voluntary returns [...]
> 6.2.3 Migrant detention is used as a last resort. The law places emphasis on deporting migrants who violate immigration law, rather than placing them in detention. **The 2019 Ministerial Order relating to immigration and emigration states that: 'A foreigner subject to deportation may be hosted in a specified premisse [sic] before his or her deportation from Rwanda**', although the Order does not specifically refer to the detention and deportation of failed asylum seekers125 126.
> 6.2.4 At a meeting with HO officials on 21 March 2022, UNHCR commented: 'If you do not have a visa, the person has 15 days to present themselves to 'Immigration'. This is in the Immigration Law. **UNHCR was aware of one person [asylum seeker] detained in the last year**. We are aware (from partner's report) the charge was for immigration related issue, but we are not sure if there are any other charges included. **Under Immigration law, persons without a lawful basis for stay can be detained**.'127
> 6.2.5 At the same meeting, UNHCR commented on the removal of failed asylum seekers: '**UNHCR believed there was some risk of a person being detained or deported at point of rejection. Few people appeal after rejection. [If someone is refused and they can't get a visa] then there is a risk of being detained or deported**. If no valid passport, some are deported. 'Most people given 48 hours to leave country but occasional cases where someone 'seized' straight after notification and taken to border by land. UNHCR was aware of at least 2 cases where unsuccessful asylum seekers had been taken directly to the border.' 128

125 Government of Rwanda, 'Official Gazette ...' (Article 52), 30 May 2019
126 IOM, 'Republic of Rwanda profile 2021: Migration governance indicators' (page 21), 2021
127 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022
128 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022

Furthermore, information found in notes of the Home Office interview with the UNHCR, which was not selected for inclusion in the *asylum system CPIN*, suggests that the UNHCR does receive some reports of detained asylum seekers. The conclusion in the *Rwanda assessment* that '[t]here is no evidence of detention being used in the asylum process' fails to reflect this [emphasis added]:

> **» UK Home Office, Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022**
>
> [...] Although UNHCR has a website, [some people are not able to contact] and [UNHCR] has lots of ways for refugees to get hold of them (e.g. WhatsApp). **Still get some reports of detention of asylum seekers** [...]

There is additional information on the detention of asylum seekers, including in prison, in sources that the Home Office consulted, but which it omitted to include in the *asylum system CPIN*. It is considered that the following information found in the sources consulted by the Home Office further undermines the conclusion in the *Rwanda assessment* that '[t] here is no evidence of detention being used in the asylum process, even for individuals whose claims are refused', [emphasis added]:

> **» Haaretz, Asylum Seekers Deported From Israel to Rwanda Warn Those Remaining: 'Don't Come Here', 2 February 2018**
>
> [...] For more than a year I lived without any documentation," Goitom says. Then the authorities in Rwanda gave him a visa that he was required to renew every three months. After a year, they refused to renew it again and sent him to the local office of the United Nations High Commissioner for Refugees. **There he received a UNHCR document stating that he is an asylum seeker. Last year he left the document at the place where he was living, was stopped and arrested and sent to prison for two days**.
> [...] His story reflects the situation of the few asylum seekers who left Israel for Rwanda and have remained there [...]
> The authorities in Rwanda do not recognize their right to be there and refuse to grant them residency permits. **Lacking official documents, they have frequently been arrested and jailed** [...]
>
> [...] **John, 28, from South Sudan has been arrested three times for lack of a visa since he arrived in Rwanda. He says the first time he was held for five days, the second time for a week and the third time for nearly two weeks. The first two times he was released by immigration authorities and the third time was helped by the UNHCR office**.
>
> **» International Refugee Rights Initiative, "I was left with nothing": 'Voluntary' departures of asylum seekers from Israel to Rwanda and Uganda, 8 September 2015**
>
> [...] In July 2015, in a letter to the Refugee Rights Clinic in Tel-Aviv University, **UNHCR confirmed that its office in Rwanda was able to contact three Eritreans who were transferred to Rwanda during 2014 and remained there... According to UNHCR, those Eritreans that arrived in 2014 remain undocumented with no legal status in Rwanda. They are therefore subject to repeated detention**, and are unable to work legally. UNHCR has reported that these asylum seekers rely on "the modest financial support provided by UNHCR Rwanda," and are assisted by UNHCR when arrested [...]

While publicly available information on the use of immigration detention in Rwanda is limited, further information that was available before the research cut-off dates set out in the *asylum system CPIN*, also suggests that asylum seekers without documentation may be detained, including in 'special facilities' or prisons [emphasis added]:

> **» Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the second periodic report of Rwanda, 21 October 2021**
>
> 3. Human rights of all migrant workers and members of their families (arts. 8–35)
> [...] Due process, detention and equality before the courts
> 27. The Committee notes that Law No. 57/2018 repealed Law No. 04/2011. It also notes the assurances of the State party that **detention of migrants for violations of immigration law is used only as a measure of last resort in special facilities [...]**

» Human Rights Committee, Concluding observations on the fourth periodic report of Rwanda, 2 May 2016

[...] Asylum seekers and immigration detention
29. The Committee notes that the State party has granted prima facie refugee status to over 70,000 people from Burundi and that it is committed to upholding its international obligations with regard to the protection of refugees. **The Committee is concerned, however, about the final status of these refugees**. It also notes with concern that, under the 2014 Refugee Law, an appeal against a rejected refugee claim is not brought before an independent authority and asylum seekers are not granted free legal aid. **The Committee is also concerned that foreigners awaiting deportation are detained in prisons** (arts.7, 9-10 and 13).

It is noted that undocumented asylum seekers who are detained in prisons may find themselves in conditions, according to COI in the *general human rights CPIN* (4.6.5), that range from 'harsh and life threatening to approaching international standards', with overcrowding, food shortages, and lack of appropriate separation of detainees common.[40] Torture and ill-treatment has been documented as 'commonplace' in official and unofficial detention facilities (3.5.5, *general human rights CPIN*).[41] It is clear that detaining an asylum seeker under 'harsh and life threatening' conditions, could amount to a breach of Article 3 of the ECHR.

The issue of detention is closely related to the issue of freedom of movement. While noting that relocated asylum seekers will not be required to live in refugee camps (see *Housing, risk of destitution and security*), COI included in the *asylum system CPIN* regarding freedom of movement indicates that individuals based in refugee camps must apply for permissions to leave the camp, and are at risk of arrest if they fail to seek permission. It is clear that if an asylum seeker were arrested, this would open up the possibility of being detained [emphasis added]:

Excerpt from the May 2022 *Rwanda, asylum system* CPIN
10.4 Freedom of movement within the country
10.4.1 UNHCR and the Government of Rwanda stated camp-based **refugees need to apply for permission to leave the camp. The permissions are valid for a maximum of three months. Refugees who leave the camp without a valid permission are at risk of arrest.** Any refugee who is absent for 3 months without authorisation is inactivated in the refugee database. 210 211 212
10.4.2 During a meeting between HO and UNHCR on 21 March 2022, the representative explained: '...**camp-based refugees have to obtain travel authorisation to leave a camp, and they normally need to return within 3 months**. However, they can re-apply as many times as they like. Some people leave on a daily basis to work with permission.'213
10.4.3 **UNHCR considered that urban refugees enjoyed more freedom of movement than camp-based refugees** 214. [...]

Further information, found in sources that were consulted and cited by the Home Office, but which was not selected for inclusion in the *asylum system CPIN*, also highlights that movement outside of the camps without the requisite permissions can have serious consequences, including arrest and detention [emphasis added]:

» UNHCR, Refugee Response Plan Jan – Dec 2021, 19 April 2021

Refugees registered in camp locations face arrest and detention risks if they move outside the camp without the requisite documents such as refugee IDs or Proof of registration and a letter authorizing their absence from the camp. Thus, there is a need for legal assistance and detention monitoring, and advocacy for greater freedom of movement of camp-based refugees.

» UNHCR, Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 37th Session RWANDA, July 2020

...campbased refugees are required to apply for a permission to leave the camp. **The complex procedures and time spent in applying for and approving the permission as well as the short validity of these permissions, maximum of three months, have led some refugees to lose their jobs and others who left the camp without valid permissions to be at risk of arrest**...

40 The source cited in the general human rights CPIN at 4.6.5 is the following report: U.S. Department of State, '**2020 Country Reports on Human Rights Practices: Rwanda**', (page 5-6), 30 March 2021

41 The source cited in the general human rights CPIN at 3.5.5 is the following report: HRW, '**World Report 2022 – Rwanda**', 13 January 2022

Refoulement

With regards to the issue of refoulement, the *Rwanda assessment* maintains that there are not substantial grounds for believing a relocated asylum seeker would face refoulement [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2.13 Refoulement
> 2.13.1 'The principle of non-refoulement' (in line with paragraph 345B(ii) of the immigration rules) and 'the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law' (in line with paragraph 345B(iii) of the immigration rules) are both respected.
> 2.13.2 **There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of being refouled or returned to a place where they have a well-founded fear of persecution**.
> 2.13.3 There is no credible evidence to suggest that asylum seekers have been returned (or refouled) to the countries where they had a well-founded fear of persecution. **One possible exception was provided by the UNHCR of 2 Libyans not being able to make an asylum claim while at the airport in Kigali**. However, it is not clear that the individuals sought to claim asylum in Rwanda but instead sought to enter on other grounds [...]

This assessment reflects the following COI included in the *asylum system CPIN*:

> Excerpt from the May 2022 *Rwanda, asylum system* CPIN
> 6.1 Refoulement [...]
> 6.1.2 According to a July 2020 UNHCR submission: '**There is a general respect for the principle of non-refoulement and no cases were known to be deported in the past few years**.'121
> 6.1.3 At a meeting with HO officials on 21 March 2022, **UNHCR gave an example of two Libyans who tried to claim asylum on arrival and were not let into the country**. According to the representative: 'UNHCR escalated whilst the two Libyans remained at the airport. They were ultimately sent back despite UNHCR's efforts – they said they were here for investment (a common route to come to Rwanda) – just kept in airport lobby for 2 days until next flight out (not detained) but very well treated. They faced challenges in all transit countries until they reached the country of departure.'122

121 UNHCR, 'Submission to OCHCR' (page 2), July 2020
122 Notes of interviews, Annex A8, Meeting between HO and UNHCR, 21 March 2022

While evidence of instances of refoulement may be limited, any reports of actions by the Rwandan authorities that may amount to refoulement, such as the very recent example cited at 6.1.3 of the *asylum system CPIN*, must be considered with the utmost seriousness, given the grave consequences of returning an individual to a country where they could face harm. The following information found in a source consulted by the Home Office, but not included in the *asylum system CPIN*, highlights concerning information regarding instances of refoulement that occurred in recent years, and affected considerable numbers of people [emphasis added]:

> **» UN Committee Against Torture (UNCAT), Concluding observations on the second periodic report of Rwanda [CAT/C/RWA/CO/2], 21 December 2017**
>
> [...] While welcoming the new legal framework aimed at strengthening protection against refoulement, **the Committee is concerned at the reported delays in registering asylum seekers, placing them at risk of being deported. It also expresses concern at the difficulties in accessing the asylum procedure faced by Turkish residents as well as Eritreans and South Sudanese relocated from Israel, some of whom have reportedly been forcibly expelled to neighbouring countries. While acknowledging that the State party has granted prima facie refugee status to over 80,000 Burundians, and noting the delegation's denial of forced returns, the Committee takes note with concern of information reported in the media that more than 1,000 Burundians were forcibly expelled in May 2016** [...]

Further information found in the public domain that was available before the research cut-off date, but not consulted by the Home Office indicates that refoulement has been an issue of concern in Rwanda:

> **» UN Committee on the Elimination of Racial Discrimination, Concluding observations on the eighteenth to twentieth periodic reports of Rwanda, 10 June 2016**
>
> ...Situation of Refugees and Asylum Seekers
> 20. While taking note of the information provided by the State party, the Committee is concerned at information to the effect that: [...]
> b) **some requests for asylum lodged by Eritreans and South Sudanese with the Directorate General of Immigration and Emigration have not been transmitted immediately to the Refugee Status Determination Committee of Rwanda, despite the 15-day time limit on asylum applications set by the law of the State party, which could well expose them to the risk of refoulement**

A number of sources provide information on the situation of asylum seekers relocated from Israel to Rwanda under a previous bilateral agreement between the two countries. These sources suggest that as soon as those asylum seekers landed in Rwanda, many were coerced into travelling undocumented across the border into Uganda or forced onward by circumstance, in the absence of the promised opportunities to seek asylum, gain legal status and start a new life in Rwanda. The failures of the Israeli and Rwandan states to provide these individuals with the opportunity to have their asylum claims adjudicated, may amount to indirect refoulement on the part of the Israeli authorities, meanwhile the Rwandan authorities may, at the very least, be considered a complicit party.[42] The following source was consulted by the Home Office, but relevant information was omitted the *asylum system CPIN* [emphasis added]:

> **» International Refugee Rights Initiative, "I was left with nothing": 'Voluntary' departures of asylum seekers from Israel to Rwanda and Uganda, 8 September 2015**
>
> For those asylum seekers who are sent to Rwanda, **testimonies collected by IRRI suggest that the majority, if not all, are being smuggled out of the country by land to Kampala within days of arriving in Kigali. They are not given an opportunity to apply for asylum**, and even if they wish to stay in Rwanda, their refugee claims cannot be assessed as the national refugee status determination committee has not yet been established. **These transfers appear to be coordinated by the people who receive the asylum seekers at Kigali airport** [...]
> **At the airport in Kigali, Eritreans were received by a person who sent them directly to a small hotel. According to some accounts, the name of this person was John, and he was also involved in their later transfer to Uganda. Eritreans reported that they were warned not to leave the hotel. One Eritrean said: "The hotel is like prison. They say: 'it is a problem here, you are not like the people here, you look like an Arab.'" [...] The travel documents that the Eritreans received in Israel were taken from them, as well as the single entry visa acceptance letter. No other papers were given to any of the Eritreans interviewed, leaving most with no valid identity papers or no identity papers at all. In the hotel, the Eritreans were given the choice between staying in Rwanda with no documents and going to Uganda. The interviews show that none of the asylum seekers believed that staying in Rwanda with no status or documents was a realistic or viable option**. Furthermore, none of the Eritreans who were transferred to Kampala and were interviewed by IRRI knew of anyone who had stayed in Rwanda [...]
> **Transfers from Rwanda to Uganda were done systematically and in an illegal manner. All interviewees shared a similar story that involved being driven from the hotel to the border, crossing it by foot in the dark, and then being driven in another minibus to a hotel in Kampala. One Eritrean recounted: 'There was someone, he came after a day or two to the hotel. [He] said: "come, you are going now." We said: "no, we first have to receive the documents." [He replied:] "No, there are no documents. You came here, if you don't want [to go to Uganda], we give you nothing. Everybody has to know that we will not accept anyone.**

42 For further explanation regarding the phenomenon of 'indirect refoulement', see the following source: UK Parliament, Joint Committee on Human Rights, Oral evidence: **The UK-Rwanda Migration and Economic Development Partnership and Human Rights**, HC 293, Wednesday 8 June 2022

But, if you want to go to Uganda, come here and pay [USD] 250." I know some people who stayed two or three weeks... But they paid and then when their money was over they came here [to Kampala] [...]
Asylum seekers who are sent to Rwanda are coerced into being smuggled into Uganda. They have no access to international protection in Rwanda both because they cannot stay in the country, and because the Rwandan asylum system is currently unable to assess their refugee claim or grant them any other status. They remain with little option other than to risk their lives trying to find protection elsewhere [...]
As this paper shows, some asylum seekers who are sent from Israel to Uganda, and **the vast majority of those sent to Rwanda, if not all of them, are transferred onto countries in which they are neither residents nor nationals. This may be done by obtaining fraudulent documents or by traveling with "guides" across the border, as most Eritreans sent to Rwanda do**. As asylum seekers pay hundreds of US dollars for these transfers, it seems that the conduct of those arranging them amounts to migrant smuggling. Israeli authorities are not only enabling these illegal activities, but are also encouraging them by sending asylum seekers into countries in which they are not legally accepted.

Further relevant COI was found in sources that were published before the research cut-off date, but which were neither consulted nor cited by the Home Office. The following excerpts show that asylum seekers relocated from Israel were either coerced or forced by circumstance to travel onward from Rwanda, in what may amount to indirect refoulement [emphasis]:

» Haaretz, Rwanda Denies Signing 'Secret Deal With Israel' to Accept Deported Asylum Seekers, 23 January 2018

Testimony by asylum seekers who've left Israel in recent years for Rwanda and Uganda shows that these countries do not afford protection or basic rights. Many asylum seekers thus continue their journey in search of an asylum. **Two months ago Haaretz reported testimonies given by Eritreans and Sudanese who had lived in Israel, left for Rwanda and then made their way to Germany and Holland. They said they were not allowed to remain in Rwanda and their status remained undetermined there. Many were imprisoned while searching for other refuges, subjected to violence and extortion, often facing death. With no legal status or documents they were exposed to repeated threats of deportation to their countries of origin from which they'd escaped. Some were held under harsh conditions in facilities in Libya, before making a dangerous sea crossing to Europe**.

» Birger, Shoham & Bolzman. "Better a prison in Israel than dying on the way", January 2018

[...] **none of the 18 interviewees who had landed in Rwanda stayed more than a few days in the country, during which they remained at the hotel. Their testimonies outline the operation of a human trafficking and smuggling network, which begins with the officials who pick up the interviewees at the airport in Rwanda. These officials are connected to smugglers who charged the deportees hundreds of dollars for an irregular crossing of the border with Uganda, and those in turn, work with elements inside Uganda**.

» The Conversation, Threat of expulsion hangs over thousands of Eritreans who sought refuge in Israel and the US, 23 November 2017

Bahabolom – or "Bob" as he's known – set off from Eritrea (probably Africa's most repressive state) back in 2009. Via Sudan and Egypt, he crossed the Sinai before entering Israel. "I got a job as a dishwasher and then a cook, in Tel Aviv," he told me. "But I couldn't get asylum – I was only given a conditional release and had to report to the authorities every three months." In 2013 this changed. **He was told to choose between three years in prison, being returned to Eritrea or deportation to Rwanda. Faced with this dilemma he chose Rwanda and – armed with Israeli travel documents and US$3,500 – he flew to Kigali**. "We arrived at two in the morning. At the airport we were met by a man who called himself 'John'. He was a black man – I think he was a Rwandan official." **He was taken to a house, where his Israeli travel documents were taken from him. "I protested," says Bahabolom, "but John didn't care. We had been promised by the Israelis we could live and work, but it didn't happen."**

The following day a smuggler arrived and offered them the chance of going to Uganda. With few options, Bahabolom took it. "It was a hard journey: we crossed the border illegally, on foot." But once in Kampala his situation was no better. Registration as a refugee was impossible, he couldn't work and finally he decided to move on again. [...]
Gilad Liberman, an Israeli human rights activist who has traced what happened when they landed in Rwanda, says that almost all the refugees are only allowed to remain in the country for a day or two. "They are then smuggled out of the country to Uganda. None are given visas to remain," he says. This was confirmed to me by the UNHCR, which has only recorded seven refugees, who arrived from Israel, who were given an official status by Rwanda and even they only received temporary visas, which soon expired.

» Haaretz, Rwanda: Ready to Take 10,000 Asylum Seekers From Israel - if They're Willing to Come, 23 November 2017

Rwandan Foreign Affairs Minister Louise Mushikiwabo said on Thursday that Rwanda is ready to accept around 10,000 asylum seekers, or "a bit more," who are currently living in Israel. [...]
"I think what we are looking for is for any migrant coming to settle here to have the minimum basics to have housing, to be able to stay in the country long enough while finding a job or setting up a business. We expect everyone to have a minimum of shelter."
"We do not envision people to come here and stay in camps. We envision giving them a normal life," she said. [...]
In 2014, Haaretz reported that asylum seekers who agreed to a 'voluntary departure' to Rwanda arrived in the country with no status, no permits, and no path to livelihood. Some were directed from Rwanda to Uganda with no warning and no infrastructure in place.

» UNHCR, UNHCR concerned over Israel's refugee relocation proposals, 17 November 2017

UNHCR, the UN Refugee Agency, is seriously concerned by proposals announced yesterday by Israel's Interior Minister Aryeh Deri and Public Security Minister Gilad Erdan. Under these proposals, Eritreans and Sudanese asylum-seekers and refugees would be compelled to accept relocation to countries in Africa or face imprisonment in Israel. [...]
From the start of this programme in December 2013 until June 2017, some 4,000 Eritrean and Sudanese were relocated under the Government's 'voluntary departure programme' to two African countries, named in media reports as Rwanda and Uganda.
Due to the secrecy surrounding this policy and the lack of transparency concerning its implementation, it has been very difficult for UNHCR to follow up and systematically monitor the situation of people relocated to these African countries. UNHCR, however, is concerned that these persons have not found adequate safety or a durable solution to their plight and that many have subsequently attempted dangerous onward movements within Africa or to Europe.

» Foreign Policy, Inside Israel's Secret Program to Get Rid of African Refugees, 27 June 2017

None of the things Israeli authorities had promised the 12 Eritreans when they had agreed to relocate to Rwanda a few weeks prior. Instead, **John offered to smuggle them into neighboring Uganda, which he told them was a 'free nation.' 'If you live here, you can't leave,' Semene recalled John saying of Rwanda. 'It's a tight country. Let me advise you, as your brother, you need to go to Uganda**.'
They would need to sneak across the border, since they had no proof of legal entry into Rwanda. (The Israeli laissez-passers had gone unstamped at the Kigali airport the night before, an oversight that now felt suspicious.) But John told them not to worry; he could easily get them into Uganda for a fee of $250. "I have everything," he said. 'Contacts with the government over there. Contacts with the Israeli government. If something happens, I call the Israeli government and they do something for you.'
The alternative, John said, was to remain in the Kigali house, where they would be under constant surveillance. They would have to pay rent, but without documentation, they would not be allowed to work. Semene and the others understood that John was not really giving them a choice. Everyone agreed to the plan.

A few hours later, a van pulled up outside the house and the Eritreans piled in. Several miles from the border with Uganda, the vehicle came to a stop and John urged them out onto the side of the road. It was the last they would see of him. [...]
While a handful of the Eritreans and Sudanese have managed to maneuver or mislead their way into asylum in Rwanda... most have given in to the pressure to leave those countries, making dangerous illegal border crossings that leave them vulnerable to blackmail and physical abuse at the hands of smugglers and security forces.
Officials across several relevant ministries in Israel, Rwanda, and Uganda all issued denials or refused repeated requests for comment.
But **the nearly identical experiences of asylum-seekers arriving in Rwanda and Uganda, as well as their ability to bypass standard immigration channels and occasionally procure official documents from their handlers, suggests a level of government knowledge, if not direct involvement, in all three capitals** [...]
It is unclear whether the driver friend is John, the man who picked Semene and the other Eritreans up from the airport, or someone working for him. It is also unclear whether John is actually an immigration official or just posing as one. But in a country as notoriously repressive as Rwanda it is almost inconceivable that anyone regularly bypassing immigration isn't operating with the blessing of senior government officials. [...]

» Hotline for Refugees and Migrants, Deported To The Unknown, 7 December 2015

Confiscation of all documents upon arrival at the destination: **All nine testified to the fact that they were given travel documents in Israel, which were then confiscated upon their arrival in Rwanda**.
Held captive in Rwanda before being smuggled to Uganda: **Eight Eritrean citizens testified to being held captive in Kigali and forbidden to leave the place where they were being held, until they were smuggled to Uganda**.
Six testified to wanting to stay in Rwanda, but were not allowed to do so and were forced to continue to Uganda.
Robbery: **Five testified to having to pay additional fees when they were forcibly smuggled to Uganda, ranging anywhere from $100-$250. They also testified to being additionally extorted financially by people in uniform on their journey to Uganda**.

» Hotline for Refugees and Migrants and ASSAF, Where there is no free will, 16 April 2015

The authors of the present report managed to interview only a few asylum seekers in Rwanda. **Those who testified about leaving for Rwanda went on to other destinations immediately. The authors of the present report could not locate a single asylum seeker who found protection and stayed in Rwanda for more than a few days. Other interviewees, when asked about it, clarified that staying in Rwanda was not an option**.

Access to housing, risk of destitution and security

With regard to access to housing, the *Rwanda assessment* confirms that, in line with the terms of the MoU, accommodation will be provided 'that is adequate to ensure the health, security and wellbeing of the Relocated Individual',[43] and that relocated asylum seekers will not be required to live in refugee camps (2.6.3). However no concrete information is provided regarding where asylum seekers sent by the UK will actually be housed, what conditions they are likely to face there, and how long they are expected to be housed for [emphasis added]:

> Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022
> 2.6 Access to housing
> 2.6.1 **There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of their accommodation or place they live** [...]
> 2.6.2 Housing is provided. Article 23 of the Law relating to refugees states that asylum seekers and refugees shall be entitled to settle in a refugee camp. However, where a person is self-sufficient, they may choose to live in an urban area [...]
> 2.6.3 **Any person relocated from the UK would be provided adequate accommodation by the Government of Rwanda under the terms of the agreement with the UK** (see section 8.1 of the MoU). **A person will not be required to live in a refugee camp**.
> 2.6.4 **Over time, the Government of Rwanda seeks to replicate the integrated model village examples to ensure adequate housing and facilities**, as well as connections to local services, infrastructure, and transport [...]

Despite attempts to provide relevant COI on accommodation within the asylum system CPIN (see section 8, *Accommodation for asylum seekers and refugees*, and section 9, *Proposed alternative accommodation for relocated persons*), there remains a significant information gap with regards to where relocated asylum seekers will, in reality, be accommodated. While it is acknowledged that the *asylum system CPIN* seeks to provide approximate information on the type of accommodation that relocated asylum seekers may be housed in (see section 9), the *Rwanda assessment* (2.6.4) indicates that this type of accommodation will be replicated 'over time', and as such, is presumably not currently available for asylum seekers relocated from the UK. Information regarding where relocated asylum seekers are intended to be accommodated in the immediate term should have been sought, and made available to Home Office researchers preparing the *asylum system CPIN*. In the absence of concrete information, it is unclear how the conclusions at 2.6.1 and 2.6.3 of the *Rwanda assessment* were reached, especially that 'adequate accommodation' will be provided (2.6.3). Furthermore, it is of particular concern that information on the intended accommodation for relocated asylum seekers did in fact appear in the UK media in the run up to publication of the *asylum system CPIN*,[44, 45, 46] yet there is no mention of the location in the CPIN. Given that the Home Office must now be aware of the intended accommodation, it should be considered a priority to update the *asylum system CPIN*, and 2.6 of the *Rwanda assessment* accordingly.

It is further noted with regard to financial support and risk of destitution, the *Rwanda assessment* claims that '[a]ll basic needs (housing, food, water, healthcare, education) of camp-based asylum seekers and refugees are met...' [emphasis added]:

43 UK Home Office, **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**, 8.1, 14 April 2022
44 Sky News, **Rwanda: Inside 'Hope Guest House' accommodation for UK Channel migrants**, 14 April 2022
45 The Guardian, **UK asylum seekers to be housed in no-frills hostel in Rwandan capital**, 14 April 2022
46 inews, **Inside the Rwanda centre which will house asylum seekers and UK Channel migrants**, 14 April 2022

Excerpt from the *Review of asylum processing, Rwanda: assessment*, published in May 2022

2.10 Lack of financial support and risk of destitution

2.10.1 There are not substantial grounds for believing that a person, if relocated, would face a real risk of being subjected to treatment that is likely to be contrary to Article 3 ECHR by virtue of ending up destitute.

2.10.2 **All basic needs (housing, food, water, healthcare, education) of camp-based asylum seekers and refugees are met are met [sic] and access is means tested. Provision of those services is facilitated by UNHCR. Urban refugees have to sustain themselves** [...]

2.10.3 **However, as above, those relocated from the UK would be provided with these services in full by the Government of Rwanda under the terms of the agreement with the UK** [...]

However, it is notable that the COI within the *asylum system CPIN* fails to outline how this aspect of the agreement between Rwanda and the UK will be met in practice, since the information in sections 8.2 (*Camp based refugees*), 8.3 (*Urban refugees*), 8.4 (*Emergency Transit Mechanism Gashora*), 10.2 (*Health*) and 10.3 (*Right to work*), focuses on current arrangements pertaining to the already existing asylum seeker and refugee population in Rwanda, the vast majority of whom reside in refugee camps, and are dependent on humanitarian aid to meet their basic accommodation, food, water and healthcare needs. Notwithstanding the fact that arrangements to meet accommodation and other basic needs of asylum seekers relocated from the UK appear to be separate from those already in place in Rwanda, it is still worth noting a number of inconsistencies between the conclusion at 2.10.2 of the *Rwanda assessment*, and COI included in the *asylum system CPIN* that highlights that the needs of the current asylum seeker and refugee population in Rwanda have not consistently been met. These aforementioned information gaps and inconsistencies contribute to a credibility gap between the conclusions at 2.6.3 and 2.10.2 of the *Rwanda assessment* and what the reality of the situation for relocated asylum seekers may look like.

The COI included in the *asylum system CPIN* indicates that 80% of refugee shelters are adequate, however, little further COI is included outlining issues relating to inadequate shelters, which would appear to affect up to 20% of the camp-based asylum seeker and refugee population currently in Rwanda [emphasis added]:

Excerpt from the May 2022 *Rwanda, asylum system* CPIN

8.2 Camp based refugees [...]

8.2.7 The National Commission for Human Rights (NCHR) found that the rights of camp-based refugees were respected in terms of access to shelter, food, water, medical care, education and security 152.

8.2.8 UNHCR stated that camp-based refugees live in UNHCR-provided semi-permanent houses. **UNHCR also provides infrastructure such as water and drainage systems, access roads and communal spaces such as markets. Housing standards and camp infrastructure vary by camp, with the UNHCR undertaking an operation to relocate residents in situations where shelters** are considered unsafe, for example, due to environmental degradation of the land. The UNHCR estimated that at the end of 2020, 80% of refugees had adequate shelters 153,154 .

8.2.9 In June 2021, the World Food Programme (WFP) announced that COVID related funding shortfalls had necessitated a cut in refugee rations of 8% in Rwanda 155 .

152 NCHR, 'Annual activity report, July 2019 to June 2020' (page 9), no date
153 UNHCR, 'UNHCR Rwanda fact sheet March 2021' (page 4), 26 March 2021
154 UNHCR, 'Rwanda country refugee response plan Jan to Dec 2021' (page 7), 19 April 2021 155 WFP, 'Refugees worldwide face rising hunger due to funding gaps amidst Covid-19', 18 June 2021

It is considered that the *asylum system CPIN* would have benefitted from more detail with regard to inadequacies in accommodation for current camp-based refugees and asylum seekers in Rwanda, in order to provide a full picture of the situation. For example, the Rwandan National Commission for Human Rights is cited as having assessed that the rights of camp-based refugees are respected in terms of access to shelter, however, further information found in the same source, which was not selected for inclusion in the *asylum system CPIN*, suggests there are issues including homelessness, dilapidation of housing and inadequate sanitation [emphasis added]:

» Republic of Rwanda National Commission for Human Rights, Annual activity report, July 2019 to June 2020, no date

[...] The commission found, however, that **there were 20 homeless refugees in Mahama camp and there is a problem of inadequate and dilapidated housing in Kiziba, Kigeme and Gihembe camps**... generally, there was good sanitation in

the camps that were inspected except for **Gihembe camp where there was a problem of a dumping site for the household garbage and an open sewage channel that was constructed in front of the houses**.

The below information is also derived from a source that was consulted by the Home Office, although it was omitted from the *asylum system CPIN*. It is considered that the *asylum system CPIN* would have benefitted from including information, on the suitability of sanitation in the camps for people with disabilities, potential fire risks, below standard water supply, and the fact that some shelters are deemed in an 'alarming' state and are 'putting refugees at risk of fatal accidents as some facilities will likely collapse' [emphasis added]:

» UNHCR, Refugee Response Plan Jan – Dec 2021, 19 April 2021

Most shelters in Congolese camps are very old, and camps are congested with no space for the camp extension, resulting in inadequate access roads or no fire breakpoints. Environmental damage and continuous erosion have resulted in the development of giant ravines that put refugees' shelters in "unsafe" conditions in Kiziba, Nyabiheke, Gihembe, and Kigeme camp [...]
The supply of water remains below standards in Nyabiheke, Kigeme, and Gihembe camps. Advocacy efforts and investments are needed to upgrade and improve the reliability of water supply systems. **Meanwhile, most of the access to sanitation facilities should be adapted for people with disabilities**. Access to electricity in shelters in camps remains very low, and more than 95 percent of households have access to Tier 0-2 electricity services only. Reliance on candles and mobile phones for lighting were most common, and only a minority of families had access to either solar lanterns or solar home systems.
[...] **Almost the entire population is settled in congested refugee camps with aging health, WASH, and shelter infrastructure, which increase the risk of the spread of the [COVID 19] virus** [...]
Basic Needs and Essential Services
[...] Soil erosion remains the main cause of the communal infrastructures' degradation, including access roads and family shelters in the camps. **The status of shelters established many years ago (some more than 20 years) in the protracted Congolese refugee camps is alarming, aggravated by the inappropriate site planning at the beginning, and lack of appropriate drainage system, putting refugees at risk of fatal accidents as some facilities will likely collapse**.
In the area of WASH, advocacy efforts and investments are needed to upgrade and improve water supply systems' reliability and the maintenance and expansion of sanitation facilities. Meanwhile, most of the access ways to sanitation facilities should be adapted for people with disabilities.

In the below excerpt, from a source that was consulted by the Home Office, but not cited in the *asylum system CPIN*, an asylum seeker reported that they had become homeless and sometimes went without food, having been in Rwanda for four years [emphasis added]:

» Haaretz, Asylum Seekers Deported From Israel to Rwanda Warn Those Remaining: 'Don't Come Here', 2 February 2018

[...] "I didn't want to go to the prison. I thought maybe it would be better for me in Rwanda than in prison, but it has become like a prison for me here," he [an asylum seeker who left Israel] said this week in a video interview with Haaretz from Kigali, Rwanda's capital. The despair is evident on his face.
For more than two months now he has been living in the street. "Things are so bad. I am living very badly. I have no home, there is no work," he says. "Before, there were a few people who helped me. The United Nations also helped – they gave me money for lodging and food. But they stopped.
He describes a daily fight for survival. "Sometimes I eat with friends, sometimes I ask for help from people who have a restaurant, sometimes I go to sleep without eating." In the four years he has been living in Rwanda he has not been employed for a single day, though he says he has invested a lot of effort in looking for work.
[...] "I am sorry I came to Rwanda," Jacob concludes. "I have received nothing. There is no work. Life is very hard here. I hope that Israel will not send my children to Rwanda," he repeats. His message to asylum seekers in Israel is clear and unambiguous: "**I am telling you that there is no work here, no help. We are suffering. How can you bring people here? We have no food, we have no home. If people come, they will suffer like I am**. It

is better to say there in prison than to come here."

Another source, available before the relevant research cut-off date, but not cited or consulted by the Home Office, highlights that landslides and difficult terrain have posed lethal risks to refugees in one refugee camp, giving rise to the need to relocate them [emphasis added]:

» New Times, Over 500 refugees evacuated from landslide-prone Gihembe camp, 21 September 2021

The government has relocated 538 refugees from Gihembe refugee camp in Gicumbi—which is considered to be a high-risk zone that is characterised by landslides during the rainy season. The refugees from 139 families have been relocated to Mahama refugee camp in Kirehe District, which officials said is safe for their lives. Goreth Murebwayire, the Gihembe Camp Manager, said the move aims at protecting the wellbeing of refugees and conserving the environment. "**We are entering the rainy season which might put the refugees into more danger," she said. Although there has never been any case of loss of life, rampant cases of injuries stemming from people falling in ravine ditches were increasingly putting the lives of refugees at stake**.

Further information available before the research cut-off date outlined in the *asylum system CPIN*, but not consulted by the Home Office, also indicate a situation of growing food insecurity, with the 8% cut in refugee rations mentioned at 8.2.9 only the most recent of a number of earlier rations cuts in recent years, one of which triggered protests that led to the Rwandan authorities to kill a number of refugees in 2018. While it is acknowledged that this protest and the related killings are referred to in the *general human rights CPIN* (4.4.3), given how closely linked these incidents were to the issue of food security in refugee camps, it is considered that the *asylum system CPIN* should have made mention of them, and at the very least, cross-referenced the relevant sections of the *general human rights CPIN*. By failing to include background information on earlier cuts to food rations, the *asylum system CPIN* risks minimising the challenges that individuals based in refugee camps have faced in meeting their basic needs for a protracted period – a reality that even relocated asylum seekers from the UK may face if numbers outgrow the capacity and willingness of the Rwandan government to provide basic services. The *asylum system CPIN* would have benefitted from the inclusion of the following COI to illustrate the recent history of food insecurity and its impacts on the population of asylum seekers and refugees in Rwanda [emphasis added]:

» UNICEF, Rwanda Annual Humanitarian Situation Report, 31 December 2021

[...] As the pandemic continues with emerging new variants, **significant gap persists with regards to the coverage of WASH services in the refugee camps** and host communities.

» Famine Early Warning System Network, Rwanda Remote Monitoring Update, October 2021

[...] According to WFP estimates, 82 percent of about 127,163 refugees and asylum seekers are highly vulnerable and incapable of meeting basic food needs while nine percent each are moderately and least vulnerable. However, **due to funding shortages, food assistance since August 2021 has been reduced and prioritized by vulnerability level**; the highly vulnerable receive a 92 percent ration instead of a 100 percent while the moderately vulnerable receive a 46 percent ration instead of the recommended 50 percent. **Given that the funding gap is yet to be filled, ration reductions will persist and this together with declining income earning opportunities due to COVID-19 impacts are expected to drive Crisis (IPC Phase 3) acute food insecurity among refugees in Rwanda** [...]

» Africa News Agency, Refugees in Rwanda Desperate As Cuts made to UN Aid, 20 April 2021

Since the UN World Food Programme (WFP) cut assistance to Rwanda more than a month ago, 60% of refugees are suffering from hunger, with reports of suicide as a direct consequence. On February 12, Edith Heines, **WFP's Rwanda director, announced: "This is a desperate situation and without an immediate response from donors, we simply have no choice but to reduce our assistance to the refugees." Before the 60% cut, refugees in Rwanda were receiving a US$7.72 cash transfer a month to purchase food from local markets**."

> "Refugees at Mahama refugee camp, located on the periphery of Tanzania's border and its Kimisi Game Reserve but within Rwanda's borders, as well as those at Kigeme refugee camp, close to Rwanda's Nyungwe Forest National Park, were interviewed. **They said that hunger will kill them due to the cost of food at local markets and the reduced aid. There were also reports of suicide and attempted suicide due to the desperate situation**. Mahama refugee camp is home to more than 54,000 refugees and was established in 2015 by the Rwandan government and the UN Refugee Agency (UNHCR).
>
> **» World Food Programme, WFP cuts refugees' food rations in Rwanda as funding declines, 12 February 2021**
>
> **Today, the World Food Programme (WFP) announced it would reduce food assistance to refugees in Rwanda by a dramatic 60 percent, as of March 2021**. Some 135,000 Burundian and Congolese refugees in camps in Rwanda rely on humanitarian assistance to meet their basic food needs each month.

With regards to the issue of security within refugee camps, the *asylum system CPIN* states the following:

> Excerpt from the May 2022 *Rwanda, asylum system* CPIN
> 8.2 Camp based refugees [...]
> 8.2.6 The USSD report 2020 noted **that in general, the authorities provided adequate security within refugee camps**. The Rwanda National Police (RNP) maintains a police presence in refugee camps. There were no major security incidents at any of the refugee camps during 2020 151.
>
> 151 USSD, 'USSD report 2020' (section 2), 30 March 2021

However, the COI at 8.2.6 of the *asylum system CPIN* provides only a partial picture of the security situation inside refugee camps in Rwanda, failing to adequately address other important security related issues, including SGBV and human trafficking. Information on SGBV against asylum seekers and refugees, and the issue of trafficking can instead be found in the *general human rights CPIN*.[47] While the *asylum system CPIN* cross-references some relevant sections of the *general human rights CPIN*, it would have been more appropriate to include section 8.5 (*SGBV against asylum seekers and refugees*') and some of the information from section 8.6 (*Modern slavery/ trafficking*), within the *asylum system CPIN* itself, given that asylum seeker and refugee communities are among those who have been particularly affected by these issues. Furthermore, while conditions in Gashora Emergency Transit Centre are covered at 8.4 of the *asylum system CPIN*, the CPIN fails mention, or even cross-reference COI regarding allegations of sexual assault of a minor refugee by the Rwandan authorities at the Gashora Transit Centre, a situation which is addressed at 4.4.1 and 4.4.2 of the *general human rights CPIN* (*Other misconduct by authorities*). The following excerpts from the aforementioned sections of the *general human rights CPIN* are particularly relevant to sections 8.2 and 8.4 of *asylum system CPIN* [emphasis added]:

> Excerpt from the May 2022 *Rwanda, general human rights* CPIN
> 4.4 Other misconduct by authorities
> 4.4.1 On 27 April 2020, the Guardian published an article entitled 'Rwandan police chief accused of sexual assault of child refugee at UN centre [Gashora ETM]. However, CPIT could find no other examples of this happening in the sources consulted (see Bibliography). The Guardian article also noted '... The Rwandan government did not respond to requests for comment, but
> confirmed an investigation is underway.'82
> 4.4.2 In April 2020, the New Times reported on how the 'Rwanda Investigation Bureau [...] concluded that allegations of sexual assault by a minor refugee at the Gashora Emergency Transit Centre against a Rwanda National Police commander at the centre in Bugesera district are unfounded.' It cited a press statement issued by the Ministry of Emergency Management which stated "The Rwanda Investigation Bureau (RIB) has thoroughly investigated this allegation and determined that it was unfounded".83 [...]
> 8.5 SGBV against asylum seekers and refugees [...]
> 8.5.2 The OECD SIGI, citing various sources, stated: '**Refugee women and girls, particularly those in refugee camps, are at a disproportionate risk of GBV**, including "survival sex" in exchange for food or water, and human trafficking... The GBV services the government has provided, such as the Isange One Stop Centres, are typically remote from refugee camps and refugee women and girls lack confidential complaint mechanisms and access to justice...' 208

47 UK Home Office, **Country policy and information note: Rwanda, general human rights**, May 2022

8.5.3 UNHCR noted in April 2021 that **refugee camps provide SGBV prevention and response services but their effectiveness is limited by factors such as funding and underreporting**. Incidents are thought to have increased during COVID-19 due to reduced access to UNHCR and partner staff and because of an increase in partner violence during lockdown209.

8.6 Modern slavery/trafficking [...]

8.6.6 [...] **Burundian and DRC refugees are also vulnerable to trafficking due to their lack of access to employment. There are reports that some parents in refugee camps receive money for their daughters' work in domestic service, tea plantations or in the sex industry. There are also reports of the sexual exploitation of adolescent girls who are lured from refugee camps with the promise of paid work. While the most common types of trafficking are labour trafficking and sex trafficking, there are reported cases of youths being lured to countries such as Malawi and Mozambique where they are forced to join armed groups** 228 229.

8.6.7 When asked about trafficking in camps by HO officials during a meeting on 21 March 2022, UNHCR responded: '**The issue that UNHCR felt they were struggling with was regarding girls. Most of them were promised employment in cities and towns. So mostly come as house maids or work in restaurant or bars, and therefore the risk is more trafficking/exploitation within Rwanda rather than cross border or internationally. Some girls don't tell [UNHCR] or even parents that they are leaving the camp. But once abuse happens, they come to [UNHCR]. Believe the risk [of trafficking] is less for urban refugees**; they generally have better opportunities, in terms of mobility, socially, financially.'230 [...]

8.6.12 The same USSD 2021 report noted the government organised presentations in refugee camps to educate refugees and asylum-seekers on the identification of victims and reporting of trafficking cases. NGOs offered support to victims of trafficking in refugee camps **but a lack of resources inhibited the provision of effective procedures and assistance** 235.

82 The Guardian, 'Rwandan police chief accused of sexual assault of child refugee...', 27 April 2020
83 The New Times, 'RIB dismisses abuse allegations at Gashora Transit Centre', 29 April 2020
207 Rwanda National Police, 'RNP conducts workshop ... on GBV prevention', 28 September 2021
208 OECD 'Social Institutions and Gender Index', 2019
209 UNHCR, 'Rwanda country refugee response plan Jan to Dec 2021' (page 11), 19 April 2021
228 USSD, '2021 Trafficking in Persons Report: Rwanda', 1 July 2021
229 Never Again Rwanda, 'Understanding Human Trafficking in Rwanda' (page 32), August 2019
230 Annex A8, HO meeting with UNHCR, 21 March 2022
235 USSD, '2021 trafficking in persons report: Rwanda', 1 July 2021

Additional information on SGBV and trafficking found in sources that were consulted or cited by the Home Office, but not selected for inclusion in either the asylum system or *general human rights CPINs* includes the following:

» Global Detention Project, Rwanda, 20 January 2022

...**Rwanda's ETM centre in Gashora...has been sharply criticised for abuses suffered by refugees evacuated from Libya who have been housed there. In April 2020, a Rwandan police commander was accused of sexually assaulting a child refugee at the ETM centre**. Rwanda's police force accused the refugees of lying, saying they were unhappy with coronavirus-related restrictions and that the boy was drunk.

» UNHCR, Refugee Response Plan Jan – Dec 2021, 19 April 2021

Suspension of education activities, child-friendly spaces, and community awareness due to COVID-19 has led to **increased child neglect cases, SGBV related issues, and drug abuse among youth** [...]
In this context, a comprehensive inter-agency gender assessment conducted in 2016 showed that **women and children in this protracted dependency context are at higher risk of** resorting to negative coping strategies and **being exposed to SGBV and human trafficking to meet basic needs**. [...]
The 2016 inter-agency gender assessment revealed a heightened risk of refugee women and children driven by poverty to engage in survival sex and begging, making them easy targets for human traffickers [...]
In general, most security problems linked to Child Protection and SGBV stem from harmful coping mechanisms, limited access to higher-level schooling, vulnerabilities relating to age and disability, service provision issues such as insecurity in the context of CBI, power imbalance between husband and wife on decisions related to family financials, inadequate lighting in and around camps and transit centers, and lack of lifesaving information or safe and confidential reporting channels. According to the 2020 PA, SGBV incidents are believed to have increased due to the COVID-19 pandemic. **A spike in child defilement/ rape has been reported, while the overall reporting frequency has decreased compared to the previous years**. Though SGBV prevention and response services are in place in all refugee settings, there remained challenges of limited knowledge and awareness (on the available response mechanisms, including remote case management during the lockdown) of the community on such issues, difficulty collecting or preserving evidence for justice mechanisms, and delayed or lack of reporting [...]
Under these circumstances, families, including women and young girls, are particularly vulnerable to gender-based violence, such as sexual exploitation and abuse, resulting in exposure to HIV and early/unwanted pregnancies/conditional pregnancies, etc. Reported child protection risks were predominantly child neglect, child abuse, child pregnancy among adolescent girls between 14 and 18. COVID-19 has intensified the situation. Operational challenges include inadequate funding to support SGBV/Child Protection staff recruitment in all camps and to ensure qualitative and specialized services.
Moreover, a significant gap is the lack of sufficient children and youth-friendly spaces for both where services can be provided while supporting children and youth's resilience. Despite the efforts of the child protection teams in raising awareness of the community as well as enhancing the establishment of the community-based child protection structures, some cases are still underreported due to different reasons such as cultural constraints, neglect of the children's needs, lack of knowledge on children's rights and insecurity [...]

» U.S. Department of State, 2021 Trafficking in Persons Report: Rwanda, 1 July 2021

Refugees fleeing conflict and political violence in Burundi and the DRC remain highly vulnerable to trafficking in Rwanda due to an inability to secure legitimate employment and stigma within the country, and some are exploited by traffickers in other countries after transiting Rwanda. Researchers report **some parents in refugee camps receive money in exchange for their daughters' work in domestic service or in the commercial sex industry. Researchers report Burundians and Congolese were at risk for trafficking**. There were no reports of forcible or coerced recruitment out of the Mahama refugee camp by Rwandan government officials since 2015.

Further information regarding the issue of SGBV affecting asylum seekers and refugees in Rwanda, including those with disabilities, was also found in sources not consulted or cited by the Home Office, but which were available before the relevant research cut-off date [emphasis added]:

> **» Forced Migration Review, Vulnerability of refugees with communication disabilities to SGBV: evidence from Rwanda, June 2017**
>
> **Sexual and gender-based violence (SGBV) is a significant risk for refugees in Rwanda, particularly for women and children. The risk is considered to be significantly higher for refugees with disabilities, because of factors such as being separated from family members, isolation, poor living conditions that may impact them disproportionately, and shortfalls in community protection mechanism**. Other contributing factors include people with disabilities being stigmatised, their accounts of abuse being discredited and, in some cases, their lack of mobility hindering escape [...] there is little evidence of good practice in supporting people with communication disabilities to report SGBV and to access ongoing support. **Front-line humanitarian staff in Rwanda are aware of the difficulties that people with communication disabilities face across the SGBV response systems but feel ill-equipped to respond to their needs**.
>
> **» UN Committee on the Elimination of Racial Discrimination, Concluding observations on the eighteenth to twentieth periodic reports of Rwanda, 10 June 2016**
>
> Situation of Refugees and Asylum Seekers
> 20. While taking note of the information provided by the State party, the Committee is concerned at information to the effect that:...c) **the overcrowding in refugee camps means that the space available for each refugee is reduced, as a result of which there have been some cases of sexual violence and child abuse**...

Index of sources

The following section provides an index of COI and other supporting sources, organised according to the sub-sections in which they are cited in this commentary.

Introduction

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